

EXHIBIT 14

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

-----X

IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

CIVIL ACTION

NO: 2:24-cv-00490-MSD-LRL

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X

June 17, 2025
10:08 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of
Nicholas Laraway, taken by the respective
parties, pursuant to Order, before Larin
Kaywood, a Notary Public for and within the
State of New York.

JOB NO.: 114501

NICHOLAS LARAWAY

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<p>1 A P P E A R A N C E S:</p> <p>2 CRENSHAW, WARE & MARTIN, P.L.C.</p> <p>3 Attorneys for Defendant Norfolk</p> <p>4 Portsmouth Belt Line Railroad Company</p> <p>5 150 W. Main Street Suite 1500</p> <p>6 Norfolk, Virginia 23510</p> <p>7 BY: JIM CHAPMAN, ESQ.</p> <p>8 E-mail: Jchapman@cwm-law.com</p> <p>9 CLYDE & CO US LLP</p> <p>10 Attorneys for Coeymans Marine Towing, LLC</p> <p>11 30 S. Wacker Drive, Suite 2600</p> <p>12 Chicago, IL 60606</p> <p>13 BY: JAMES H. RODGERS, ESQ.</p> <p>14 E-mail: James.rodgers@clydeco.us</p> <p>15</p> <p>16 SINNOTT, NUCKOLS & LOGAN, PC</p> <p>17 Attorney for Evanston Insurance Company,</p> <p>18 s/s/o Norfolk and Portsmouth Belt Line</p> <p>19 Railroad Company</p> <p>20 13811 Village Mill Drive</p> <p>21 Midlothian, Virginia 23114</p> <p>22 BY: MARK C. NANAVATI, ESQ.</p> <p>23 NICHOLAS J. LEWIS, ESQ.</p> <p>24 E-mail: Mnanavati@snllaw.com</p> <p>25 Cjones@snllaw.com</p> <p>Also Present: Josef Malik, Chief legal</p> <p>officer, Carver Companies.</p> <p>Ryan.</p> <p>Ingrid Contreras, The videographer</p> <p>* * * * *</p>	<p>1 Exhibit 12 - 10/3/24 Morrissey termination letter 106</p> <p>2 Exhibit 13 - SMS 8.8F Collision/Allision TBS 118</p> <p>3 Helm Connect 000996-997</p> <p>4 Exhibit 14 - 7/3/24 Galioto email FW 122</p> <p>5 Photos to Moore</p> <p>6 ESI 0313 - 0319</p> <p>7 Exhibit 15 - 6/16/24 Miller email with crew 126</p> <p>8 statements</p> <p>9 ESI 0038 - 0042</p> <p>10 Exhibit 16 - 6/28/24 Miller email re: 135</p> <p>11 Incident report (not attached)</p> <p>12 ESI 0541</p> <p>13 Exhibit 17 - 6/24/24 Miller email with Helm 136</p> <p>14 Log June 15 RR Accident</p> <p>15 ESI 0527 - 0531</p> <p>16 Exhibit 18 - 6/24/24 Moore email re: Helm Logs 144</p> <p>17 Meeting Notes</p> <p>18 ESI 0532</p> <p>19 Exhibit 19 - 7/19/24 Galioto email re: 147</p> <p>20 CMT Safety Info to Moore</p> <p>21 ESI 0020 - 0037</p> <p>22 Exhibit 20 - 6/14/2024 The General Ship Repair 161</p> <p>23 Invoice TGSR 000009</p> <p>24 Exhibit 21 - 6/9/25 Declaration of Josef Malik 164</p> <p>25 NAME/DESCRIPTION (MCGRATH)</p> <p>Exhibit 1 5/20/2024 Mackenzie Rose Daily</p> <p>Log TBS Helm Connect 000503-504</p>
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<p>1 INDEX</p> <p>2 EXAMINATION OF Nicholas Laraway</p> <p>3 EXAMINATION BY PAGE</p> <p>4 MR. CHAPMAN 5</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 MARKED FOR IDENTIFICATION</p> <p>8 DESCRIPTION PAGE</p> <p>9 Exhibit 1 - Deposition Notice 7</p> <p>10 Exhibit 2 - 6/20/24 Laraway email re evidence 14</p> <p>11 Preservation request ESI 0307 - 0311</p> <p>12 Exhibit 3 - 6/20/24 Laraway email FW:Accident 27</p> <p>13 Moore ESI 0191-0192</p> <p>14 Exhibit 4 - 12/6/21 Marine Safety Consultants 33</p> <p>15 To Dime Community Bank - Condition &</p> <p>16 Valuation Survey Report Dime 000231-237</p> <p>17 Exhibit 5 - USCG General Index or Abstract of 39</p> <p>18 Title Mary Gellaty/Mackenzie Rose</p> <p>19 NPBL0052 - 0053</p> <p>20 Exhibit 6 - 12/27/21 Mi-Ro Ltr to Dime Community 43</p> <p>21 Bank re: Desktop Opinion of Tugboat</p> <p>22 Mackenzie Rose</p> <p>23 Exhibit 7 - Schedule of Vessels - Hull Effective 47</p> <p>24 11/1/23 Carver 0673-0674</p> <p>25 Exhibit 8 - DLS Marine Survey & Appraisal 49</p> <p>Carver 1929 - 1957</p> <p>Exhibit 9 - Meyerrose 4/1/2025 Survey Produced by 57</p> <p>Carver (need Bates #)</p> <p>Exhibit 10 - SMS 6.4 Drug & Alcohol Policy 99</p> <p>TBS Helm Connect 0843 -0852</p> <p>Exhibit 11 - 7/29/24 Feeney email FS: CMT-AMS 103</p> <p>Drug Testing ESI 0201-0217</p>	<p>1 THE VIDEOGRAPHER: This is the</p> <p>2 beginning of Media Number 1 in the</p> <p>3 deposition of Nicholas Laraway in the</p> <p>4 matter of Coeymans Marine Towing,</p> <p>5 LLP, d/b/a Carver Marine Towing, Inc.</p> <p>6 Case number 224-cv-009 -- I'm sorry,</p> <p>7 00490.</p> <p>8 Today's date is Tuesday, June</p> <p>9 17th, 2025, and the time on the</p> <p>10 monitor is 10:08 a.m.</p> <p>11 My name is Ingrid Contreras and</p> <p>12 I'm the videographer. The court</p> <p>13 reporter is Larin Kaywood. We are</p> <p>14 here with First Legal.</p> <p>15 Counsel, please introduce</p> <p>16 yourself after which the court</p> <p>17 reporter will swear in the witness.</p> <p>18 MR. CHAPMAN: James Chapman</p> <p>19 with the law firm of Crenshaw, Ware &</p> <p>20 Martin, on behalf of the plaintiff,</p> <p>21 Norfolk and Portsmouth Belt Line</p> <p>22 Railroad Company.</p> <p>23 MR. RODGERS: James Rodgers of</p> <p>24 Clyde & Co, on behalf of Coeymans</p> <p>25 Marine, d/b/a Carver Marine Towing.</p>

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<p>1 MR. MALIK: Josef Malik, chief 2 legal officer for Carver Companies. 3 N I C H O L A S L A R A W A Y, having 4 first been duly sworn by a Notary Public 5 for and within the State of New York, upon 6 being examined, testified as follows: 7 THE REPORTER: Can I have your 8 first and last name for the record, 9 please? 10 THE WITNESS: Nicholas Laraway. 11 THE REPORTER: And your 12 address? 13 THE WITNESS: 104 Dutchman 14 Lane, Schenectady, New York 12303. 15 THE REPORTER: Can you spell 16 Schenectady again? 17 THE WITNESS: 18 S-C-H-E-N-E-C-T-A-D-Y. 19 THE REPORTER: And what is zip 20 code? 21 THE WITNESS: 12303. 22 THE REPORTER: One second. 23 EXAMINATION BY 24 MR. CHAPMAN: 25 Q. Good morning, Mr. Laraway.</p>	<p>1 it prior to the deposition? 2 A. I have. 3 Q. And it's your understanding 4 that you've been designated to testify on 5 those topics? 6 A. Yes. 7 Q. Right. How long have you been 8 employed by, I'll call it Carver, but I 9 don't know whether it's Coeymans Marine 10 Towing, d/b/a as Carver or sort of what's 11 your role there? 12 A. I've been employed with Carver 13 Companies in a number of roles since 2011. 14 Q. Did you work anywhere else 15 before working for Carver? 16 A. Prior to 2011, I had worked a 17 number of part-time jobs including working 18 for Carver and miscellaneous jobs during 19 the summers. 20 But I began my full-time 21 employment with Carver right out of school. 22 Q. Are you connected via family to 23 the Carver organization? 24 A. I am. 25 Q. Can you tell us about that?</p>
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<p>1 A. Good morning. 2 Q. You are here on behalf of the 3 company to testify on a number of topics 4 that were identified in the deposition 5 notice. 6 Is that your understanding? 7 A. Yes, sir. 8 Q. I take it you've seen the 9 deposition notice? 10 A. Yes, sir. 11 MR. CHAPMAN: Can you mark that 12 as one, please? 13 THE REPORTER: Already had it 14 on here, thank you. 15 (Whereupon, Exhibit 1 was 16 marked for identification.) 17 Q. And that is the notice of the 18 deposition of Coeymans Marine Towing, d/b/a 19 Carver Marine Towing. 20 And attached as Exhibit A, 21 there's some definitions and a couple of 22 dozen topics. 23 See that? 24 A. I do. 25 Q. You've had a chance to review</p>	<p>1 A. Carver Laraway, the founder and 2 chairman of the board is my uncle. 3 Q. So were you in college working 4 part-time? 5 A. Yes. 6 Q. Before you joined the 7 companying? 8 A. (Nodding.) 9 Q. When did you graduate? 10 A. 2010. 11 Q. And what's your degree? 12 A. In economics and business. 13 Q. Do you hold any U.S. Coast 14 Guard licenses? 15 A. I do not. 16 Q. Have you ever sailed on any 17 vessel as a member of the crew? 18 A. I have not. 19 Q. I take it that you're a 20 salaried employee? 21 A. I am. 22 Q. What is your current title? 23 A. My current title is the 24 executive director of administration of 25 Carver Companies.</p>

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<p>1 Q. Who do you report to?</p> <p>2 A. I report to the board of</p> <p>3 directors.</p> <p>4 Q. So one of the topics is kind of</p> <p>5 the relationships of Carver Companies.</p> <p>6 Can you tell us about that?</p> <p>7 A. Certainly. So Carver Companies</p> <p>8 is a large diversified industrial</p> <p>9 organization that does a number of -- it</p> <p>10 works within a number of different</p> <p>11 industries and a number of different</p> <p>12 geographical locations.</p> <p>13 We do construction, earth work</p> <p>14 and infrastructure in New York and South</p> <p>15 Carolina. We have a deep water industrial</p> <p>16 port at our Port of Coeymans facility in</p> <p>17 Coeymans, New York just south of Albany.</p> <p>18 Adjacent to that we have a 300</p> <p>19 acre industrial park that facilitates the</p> <p>20 movement of cargo to and from the Port of</p> <p>21 Coeymans. We have a number of ancillary</p> <p>22 businesses in Upstate New York.</p> <p>23 Certainly, we have the Coeymans</p> <p>24 Marine Towing business now doing business</p> <p>25 as Carver Marine Towing that operates on</p>	<p>1 A. Carver Companies got into the</p> <p>2 marine towing business in 2014.</p> <p>3 Q. Acquired another operator, or</p> <p>4 did you stand up your own fleet?</p> <p>5 A. It was a partnership that was</p> <p>6 formed with another operator in the New</p> <p>7 York City market and acquired a push boat</p> <p>8 and a number of barges in the Gulf and</p> <p>9 relocated them to New York to begin</p> <p>10 operations.</p> <p>11 Q. And who was your partner back</p> <p>12 then?</p> <p>13 A. The partner was Roy White of</p> <p>14 Greater New York Marine Towing.</p> <p>15 Q. Do you have any official role</p> <p>16 titles, whether it's a manager, or</p> <p>17 otherwise in, I'll call it Carver Marine</p> <p>18 Towing because that's the d/b/a of, I</p> <p>19 still -- I can never pronounce it.</p> <p>20 Coeymans.</p> <p>21 A. Coeymans.</p> <p>22 Q. Coeymans Marine Towing.</p> <p>23 A. I have an official title within</p> <p>24 Carver Companies, and support the</p> <p>25 management of Coeymans Marine Towing, but</p>
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<p>1 the East and occasionally the Gulf Coast of</p> <p>2 the U.S.</p> <p>3 We have a Marine steelworks</p> <p>4 division that supports the marine towing</p> <p>5 division and does shipyard type work for</p> <p>6 other customers.</p> <p>7 And then we have another deep</p> <p>8 water port in North Charleston, South</p> <p>9 Carolina. We have stevedoring businesses</p> <p>10 that support our ports and do work for</p> <p>11 other industrial maritime companies.</p> <p>12 We previously had a materials</p> <p>13 business that we sold in August of 2020 to</p> <p>14 Heidelberg Materials. And we have a quarry</p> <p>15 in Bayside, New Brunswick in Canada, and a</p> <p>16 port that is adjacent to that that</p> <p>17 facilitates the shipment of our stone from</p> <p>18 our quarry to a number of locations on the</p> <p>19 East and Gulf Coast.</p> <p>20 Q. That's quite a portfolio.</p> <p>21 Thank you for sharing that.</p> <p>22 A. Yes, sir.</p> <p>23 Q. When did you get into the</p> <p>24 marine towing business, or when did Carver</p> <p>25 get into the marine towing business?</p>	<p>1 no standalone specific title as part of</p> <p>2 Coeymans or Carver Marine Towing.</p> <p>3 Q. Okay. Yeah. You may be aware</p> <p>4 that Mr. Moore told us that he was the</p> <p>5 general manager. I don't still know</p> <p>6 whether that's an official title or whether</p> <p>7 it's just sort of an operating role that he</p> <p>8 has.</p> <p>9 Is there a -- is Coeymans</p> <p>10 Marine Towing a member managed LLC?</p> <p>11 A. I don't recall specifically if</p> <p>12 it's member managed.</p> <p>13 Q. Okay. But as an entity its</p> <p>14 owned by the Carver Companies as part of</p> <p>15 this holding entity that you described?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Do you know if there are</p> <p>18 any officers of Carver Marine Towing?</p> <p>19 A. Carver Laraway is the managing</p> <p>20 member.</p> <p>21 Q. That's your uncle?</p> <p>22 A. Correct.</p> <p>23 Q. And you may have said this, I</p> <p>24 apologize, but Carver Companies is</p> <p>25 privately owned?</p>

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<p>1 A. Correct.</p> <p>2 Q. How did you first learn of the</p> <p>3 incident involving the Tug Mackenzie Rose</p> <p>4 alliding with the Norfolk and Portsmouth</p> <p>5 Belt Line Bridge in June of 2024?</p> <p>6 A. I first became aware that it</p> <p>7 hit the bridge when I received an e-mail</p> <p>8 from what I recall was an attorney for the</p> <p>9 bridge with a letter that was addressed to</p> <p>10 myself.</p> <p>11 MR. CHAPMAN: Can you mark that</p> <p>12 as two, please?</p> <p>13 (Whereupon, Exhibit 2 was</p> <p>14 marked for identification.)</p> <p>15 Q. They were provided to us</p> <p>16 recently a number of e-mails including this</p> <p>17 one that's been marked as Exhibit 2.</p> <p>18 Do you recognize it?</p> <p>19 A. Yes.</p> <p>20 Q. It appears that you're actually</p> <p>21 forwarding it to somebody or others based</p> <p>22 on the top header.</p> <p>23 You see that?</p> <p>24 A. Yes.</p> <p>25 Q. But down underneath there's a</p>	<p>1 A. I believe there were two.</p> <p>2 Q. Okay. And the next name,</p> <p>3 Leonard Baldassare, he no longer works for</p> <p>4 Carver, but at the time he was the port</p> <p>5 captain of Carver Marine Towing, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Who is Mark Pearson?</p> <p>8 A. Mark Pearson is a captain that</p> <p>9 has been with or who had been with Carver</p> <p>10 Company since we formed the marine towing</p> <p>11 division. He was one of our senior</p> <p>12 captains and...</p> <p>13 Q. So he started from the very</p> <p>14 beginning like in 2014?</p> <p>15 A. Yep, he was our first captain.</p> <p>16 Q. And is he still employed by the</p> <p>17 company?</p> <p>18 A. He recently retired.</p> <p>19 Q. And then on the CCs it has</p> <p>20 three -- what look like three e-mail</p> <p>21 addresses. I don't know what their</p> <p>22 addresses are, but do you know who Anthony</p> <p>23 is?</p> <p>24 A. That is Antony Cardona, Jr.,</p> <p>25 our attorney at the time.</p>
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<p>1 e-mail that was sent to you and Mr. Moore</p> <p>2 on June 20th, 2024, with a letter attached</p> <p>3 to it offered by me.</p> <p>4 Do you see that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. That is the first time</p> <p>7 you knew of anything involving the tug</p> <p>8 alliding with the Belt Line Bridge?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. At the top of this</p> <p>11 e-mail, in the two line, it has a number of</p> <p>12 names in quotation marks. I'm not really</p> <p>13 sure why that is, but just to kind of run</p> <p>14 them down. Brian Moore, the general</p> <p>15 manager of Carver Marine Towing, correct?</p> <p>16 A. Correct.</p> <p>17 Q. What is CMT dispatch?</p> <p>18 A. That is a group e-mail for the</p> <p>19 dispatchers of Carver Marine Towing.</p> <p>20 Q. So all of the dispatchers would</p> <p>21 receive a copy if you send it to that</p> <p>22 group?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know how many</p> <p>25 dispatchers there were at the time?</p>	<p>1 Q. Does he still represent Carver?</p> <p>2 A. Not on any specific matters at</p> <p>3 the moment.</p> <p>4 Q. Okay. And who is Junior?</p> <p>5 A. I believe those would go</p> <p>6 together.</p> <p>7 Q. They have --</p> <p>8 A. Anthony Cardona, Jr.</p> <p>9 Q. Okay. So that's really one</p> <p>10 e-mail recipient?</p> <p>11 A. I believe so.</p> <p>12 Q. Okay. And who's Carlo? Is it</p> <p>13 Agneta?</p> <p>14 A. Agneta. He is our insurance</p> <p>15 broker with Marshall & Sterling.</p> <p>16 Q. So I didn't find any response</p> <p>17 to this e-mail and what's been produced so</p> <p>18 far, but do you recall receiving a response</p> <p>19 from any of these individuals by e-mail?</p> <p>20 A. I don't recall specifically.</p> <p>21 Q. Did anybody call you about it?</p> <p>22 A. Yes.</p> <p>23 Q. Who?</p> <p>24 A. Well, from what I recall, the</p> <p>25 first phone call I received was from our</p>

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<p style="text-align: right;">Page 18</p> <p>1 attorney having read this letter with some</p> <p>2 serious accusations.</p> <p>3 MR. RODGERS: Don't tell him</p> <p>4 what your attorney said to you.</p> <p>5 Q. Yeah. I'm not asking for</p> <p>6 whatever your conversation was --</p> <p>7 A. Yes.</p> <p>8 Q. -- with your attorney, but I am</p> <p>9 asking you about who else called you and</p> <p>10 what conversations you had with them?</p> <p>11 A. And the other conversation I</p> <p>12 recall was receiving a call from Brian</p> <p>13 Moore.</p> <p>14 Q. And what did Mr. Moore tell</p> <p>15 you?</p> <p>16 A. From what I recall, he was</p> <p>17 aware that there was a incident with the</p> <p>18 Mackenzie Rose that was referenced in the</p> <p>19 letter. And he talked through what he knew</p> <p>20 at the time, and that they were</p> <p>21 investigating what was going on.</p> <p>22 Q. Did he tell you whether he had</p> <p>23 notified the Coast Guard?</p> <p>24 A. I don't recall.</p> <p>25 Q. Did he tell you whether he had</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. CHAPMAN: Yeah, Carver</p> <p>2 ESI000307.</p> <p>3 A. I don't know specifically.</p> <p>4 Q. Did you have any conversation</p> <p>5 with your insurance broker, Mr. Agneta?</p> <p>6 A. I eventually had conversations</p> <p>7 with Mr. Agneta about it. I don't recall</p> <p>8 specifically when the first one was.</p> <p>9 Q. Could have been on June 20th,</p> <p>10 2024?</p> <p>11 A. It certainly could have.</p> <p>12 Q. When you received this e-mail</p> <p>13 with the attached letter, it included this</p> <p>14 photograph, didn't it?</p> <p>15 A. It did.</p> <p>16 Q. Did it appear to you that there</p> <p>17 was something amiss with the bridge?</p> <p>18 MR. RODGERS: Objection to</p> <p>19 form.</p> <p>20 Can you rephrase that?</p> <p>21 MR. CHAPMAN: What's wrong with</p> <p>22 the form?</p> <p>23 MR. RODGERS: You have to ask</p> <p>24 him what he saw or what he sees.</p> <p>25 MR. CHAPMAN: I'm just</p>
<p style="text-align: right;">Page 19</p> <p>1 been contacted by the Coast Guard?</p> <p>2 A. I don't recall.</p> <p>3 Q. And did he tell you whether he</p> <p>4 knew anyone else who'd been contacted by</p> <p>5 the Coast Guard regarding the incident?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you have any memory of</p> <p>8 responding to the e-mail that was sent to</p> <p>9 you on my behalf on June 20th of 2024 as</p> <p>10 indicated at 10:41 a.m. on that date in</p> <p>11 Exhibit 2?</p> <p>12 A. I did not directly respond to</p> <p>13 that e-mail --</p> <p>14 Q. Did you --</p> <p>15 A. -- from what I can recall.</p> <p>16 Q. Did you direct anyone else to?</p> <p>17 A. I believe our attorney reached</p> <p>18 out to begin correspondence.</p> <p>19 Q. And who was your attorney?</p> <p>20 A. Anthony Cardona, Jr.</p> <p>21 Q. Is it your understanding that</p> <p>22 Mr. Cardona reached out to me?</p> <p>23 COUNSEL: Hey, Jim, can you</p> <p>24 identify for the record, what Bates</p> <p>25 label that is?</p>	<p style="text-align: right;">Page 21</p> <p>1 asking --</p> <p>2 MR. RODGERS: I object to the</p> <p>3 term "amiss."</p> <p>4 Q. Did it appear --</p> <p>5 MR. RODGERS: Can you rephrase</p> <p>6 it?</p> <p>7 MR. CHAPMAN: Okay.</p> <p>8 Q. Did it appear the bridge was</p> <p>9 out of the alignment from the picture</p> <p>10 attached to the letter that was sent to you</p> <p>11 on June 20th, 2024?</p> <p>12 MR. RODGERS: Just when he</p> <p>13 looked at it then?</p> <p>14 MR. CHAPMAN: Yes.</p> <p>15 A. Yes. It looked like it</p> <p>16 possibly could have been out of alignment.</p> <p>17 Q. This letter specifically</p> <p>18 requested that a Carver undertake to</p> <p>19 preserve and retain various information.</p> <p>20 Did you initiate any steps to</p> <p>21 do that?</p> <p>22 MR. RODGERS: Objection to the</p> <p>23 extent that it asks for legal advice</p> <p>24 that he received, but you can answer</p> <p>25 as to your understanding.</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. My understanding was that that 2 was requested of us and that we were to do 3 that. 4 Q. My question though was, did you 5 do anything to do that? 6 A. When I spoke with Brian, I 7 asked him to make sure that he obtained 8 everything and compiled it for our attorney 9 because our attorney was taking lead on 10 correspondence moving forward. 11 Q. And sitting here today, do you 12 know whether anything was ever done to 13 secure any of the mobile devices that were 14 utilized for communication between the tug 15 and either Mr. Baldassare and Mr. Moore on 16 June 15th, 2024? 17 A. I believe Mr. Baldassare's 18 phone has been provided and that the tug 19 phone has as well. 20 I am not certain, but I believe 21 there were actions taken to follow the 22 request in the letter. 23 Q. And provided to whom when you 24 say provided? 25 MR. RODGERS: That's -- you're</p>	<p style="text-align: right;">Page 24</p> <p>1 know that, but I appreciate you 2 telling me that. 3 MR. RODGERS: Well, it's in 4 the -- it's in our response. 5 MR. CHAPMAN: We don't need to 6 have a debate about it, but 7 Mr. Malik's declaration says 8 otherwise. And -- 9 MR. RODGERS: No. Because it 10 wasn't -- we didn't -- we had to get 11 a vender to do that. 12 So I'm just giving you 13 the -- by counsel. I'm not sure the 14 witness has any knowledge, but you 15 can tell him what you know. 16 A. I don't have specific 17 knowledge. 18 Q. About what's happened to the 19 phones? Just so we're clear on what we're 20 talking about. 21 MR. RODGERS: Personal 22 knowledge? 23 MR. CHAPMAN: Yes. 24 A. I don't have personal knowledge 25 of how that information was obtained and</p>
<p style="text-align: right;">Page 23</p> <p>1 asking him about attorney-client 2 communications dealing with this 3 litigation. 4 MR. CHAPMAN: No. I'm just 5 asking about the physical devices. 6 The phone on the tug and 7 Mr. Baldassare's phone or any other 8 phone that was involved in the 9 communications that occurred on June 10 15th, 2024 between the tug and either 11 Mr. Moore or Mr. Baldassare. 12 A. I don't know the specific 13 actions that were taken by Brian to comply 14 with that. 15 Q. And this is what I'm asking is, 16 today you still don't know? 17 MR. CHAPMAN: I'm not 18 asking -- 19 MR. RODGERS: By counsel we are 20 providing the records of 21 Mr. Baldassare's phone, and the tug 22 phone, and I think you know that. 23 That's what we've provided or 24 we had access to, so. 25 MR. CHAPMAN: Actually I don't</p>	<p style="text-align: right;">Page 25</p> <p>1 provided to our insurance counsel. 2 Q. Fair enough. My question 3 though really relates to, you're the 4 corporate representative. 5 A. Correct. 6 Q. And I'm just trying to 7 understand from your perspective, being the 8 corporate representative, what does Carver 9 say or you say on their behalf about the 10 status of those two phones I have been 11 asking about. 12 They have been recovered? They 13 have been secured? 14 MR. RODGERS: Objection. 15 Counsel, he's already answered that. 16 Don't answer that. 17 MR. CHAPMAN: You are not under 18 oath, Mr. Rodgers. 19 MR. RODGERS: Don't -- well, I 20 don't know -- this is discovery we're 21 providing you as counsel, so he's 22 already answered. 23 Do you want to ask the same 24 question again? 25 Go ahead.</p>

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<p>1 Q. How about we have the court</p> <p>2 reporter read it back?</p> <p>3 MR. RODGERS: And the corporate</p> <p>4 position is what counsel has provided</p> <p>5 in this discovery. That's the</p> <p>6 corporate position.</p> <p>7 If you want to ask him his</p> <p>8 personal knowledge, he's here to</p> <p>9 answer that.</p> <p>10 (Whereupon, the above record</p> <p>11 was read back by the court reporter.)</p> <p>12 A. I personally was not involved</p> <p>13 in the process to secure and provide the</p> <p>14 phones to our counsel.</p> <p>15 Q. Is it your understanding though</p> <p>16 that it has occurred?</p> <p>17 A. That is my understanding.</p> <p>18 Q. You mentioned earlier the</p> <p>19 context of the company's businesses that</p> <p>20 you engage in cargo handling operations.</p> <p>21 Is that both South Carolina and your</p> <p>22 facility in New York?</p> <p>23 A. Correct.</p> <p>24 Q. Is that all bulk cargo or do</p> <p>25 you guys handle like containerized traffic</p>	<p>1 this time only addressed to Brian Moore</p> <p>2 also on June 20th of 2024.</p> <p>3 Do you see that?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. You need to say yes or no?</p> <p>6 A. Yeah.</p> <p>7 Q. Thank you.</p> <p>8 MR. RODGERS: Jim, do you mind</p> <p>9 stating the Bates stamp just for the</p> <p>10 record?</p> <p>11 MR. CHAPMAN: Sure. It's</p> <p>12 Carver ESI 000191.</p> <p>13 Q. Let me just start with, who is</p> <p>14 Dan Albright?</p> <p>15 A. Dan Albright is a salesman for</p> <p>16 Carver Companies.</p> <p>17 Q. And it appears that he</p> <p>18 forwarded you something that was obtained</p> <p>19 from CSX on June 18th of 2024.</p> <p>20 See that?</p> <p>21 A. I do.</p> <p>22 Q. Did you read it at the time</p> <p>23 that he forwarded it to you?</p> <p>24 A. I don't recall having read it</p> <p>25 at the time.</p>
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<p>1 or what?</p> <p>2 A. It's predominantly bulk, but</p> <p>3 not exclusively.</p> <p>4 Q. So some intermodal or not?</p> <p>5 A. A bit of containers, some break</p> <p>6 bulk and variety of other things from time</p> <p>7 to time.</p> <p>8 Q. Are either of the facilities</p> <p>9 rail served?</p> <p>10 A. The facility in Queens is not</p> <p>11 rail served. The facility in North</p> <p>12 Charleston has a limited rail spur.</p> <p>13 Q. And what railroads serve that</p> <p>14 facility in North Charleston?</p> <p>15 A. Palmetto Rail.</p> <p>16 Q. That's a short line is, isn't</p> <p>17 it?</p> <p>18 A. I don't know.</p> <p>19 MR. CHAPMAN: Would you mark</p> <p>20 that as three, please?</p> <p>21 (Whereupon, Exhibit 3 was</p> <p>22 marked for identification.)</p> <p>23 Q. Mr. Laraway, that appears to</p> <p>24 be -- well, you've been handed Exhibit 3,</p> <p>25 which appears to be another e-mail from you</p>	<p>1 Q. Does he routinely forward you</p> <p>2 things of the nature like this?</p> <p>3 A. Often.</p> <p>4 Q. And when you say he is in</p> <p>5 sales, for which Carver entity?</p> <p>6 A. He sells a lot of different</p> <p>7 services including property maintenance.</p> <p>8 He's sold port services, aggregate sales.</p> <p>9 At the time, construction work, emergency</p> <p>10 response.</p> <p>11 Q. Is he still employed by Carver?</p> <p>12 A. He is.</p> <p>13 Q. Do you know whether he</p> <p>14 forwarded this e-mail to anybody besides</p> <p>15 you on June 18th, 2024?</p> <p>16 A. I don't know.</p> <p>17 Q. Did he call you after</p> <p>18 forwarding it to you?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did you have any conversation</p> <p>21 with him after he forwarded you this e-mail</p> <p>22 regarding its substance?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Is the railroad known as CSX a</p> <p>25 customer of Carver?</p>

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<p>1 A. It is.</p> <p>2 Q. And what type of business does</p> <p>3 Carver deal with CSX?</p> <p>4 A. We have provided aggregate</p> <p>5 materials and ballast to them at a number</p> <p>6 of locations. As I have mentioned before,</p> <p>7 we provide emergency response for them.</p> <p>8 CSX is Dan's largest client and</p> <p>9 he services them all over the East Coast on</p> <p>10 various projects from time to time, so he</p> <p>11 is in frequent contact with CSX</p> <p>12 representatives.</p> <p>13 Q. When you say emergency</p> <p>14 response, you mean, like, if they have a</p> <p>15 derailment or something?</p> <p>16 A. Historically, derailments,</p> <p>17 washouts. In New York, they have a lot of</p> <p>18 issues related to snow and we've helped</p> <p>19 them out with snowplowing and removal. And</p> <p>20 a lot of equipment rental.</p> <p>21 Q. Is all of that relationship</p> <p>22 with CSX in the New York area?</p> <p>23 A. It is not.</p> <p>24 Q. So it extends down into South</p> <p>25 Carolina?</p>	<p>1 A. Absolutely.</p> <p>2 Q. Okay. Did you talk to Brian</p> <p>3 Moore that day?</p> <p>4 A. Yes.</p> <p>5 Q. Did you talk to Leonard</p> <p>6 Baldassare that day?</p> <p>7 A. I did not. Not that I recall.</p> <p>8 Q. You -- well, do you recall</p> <p>9 talking to anybody else that sort of worked</p> <p>10 in the marine towing -- Carver Marine</p> <p>11 Towing besides Mr. Moore on June 20th?</p> <p>12 A. Not specifically.</p> <p>13 Q. Did you talk to Dan Albright</p> <p>14 that day, June 20th?</p> <p>15 A. Not that I recall.</p> <p>16 Q. How long has Carver owned the</p> <p>17 Tug Mckenzie Rose?</p> <p>18 A. Since 2020.</p> <p>19 Q. How much did Carver pay for it</p> <p>20 when it was acquired?</p> <p>21 A. I believe it was approximately</p> <p>22 a million dollars.</p> <p>23 Q. One million?</p> <p>24 THE REPORTER: Yes?</p> <p>25 A. Yes, sorry.</p>
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<p>1 A. It is in New England and in the</p> <p>2 southeast, South Carolina, Georgia.</p> <p>3 Q. And you -- referring back to</p> <p>4 Exhibit 2 --</p> <p>5 A. Mm-hmm.</p> <p>6 Q. -- it appears that two days</p> <p>7 later you got the letter that my assistant</p> <p>8 sent to you on June 20th of 2024.</p> <p>9 Did you connect the dots at</p> <p>10 that point that these were related?</p> <p>11 A. I certainly had questions as to</p> <p>12 whether they were related, which is why I</p> <p>13 remember sending that to Brian.</p> <p>14 Q. Okay. Did you have any</p> <p>15 conversation with Brian Moore afterwards</p> <p>16 about this?</p> <p>17 A. I mean, on the 20th there was</p> <p>18 ongoing conversations related to the</p> <p>19 letter.</p> <p>20 I don't recall if this specific</p> <p>21 e-mail came up in those conversations.</p> <p>22 Q. Just to be clear, did you</p> <p>23 actually talk to your lawyer, I forget his</p> <p>24 name now, Anthony, Jr. On -- I'm sorry</p> <p>25 Anthony Cardona, Jr., on June 20th, 2024?</p>	<p>1 Q. And after acquiring it, did</p> <p>2 Carver have any work done on it?</p> <p>3 A. There has been work done on it</p> <p>4 since we've acquired it, yes.</p> <p>5 Q. Did it require, I don't know,</p> <p>6 refurbishing or anything to make it</p> <p>7 operational when you acquired it?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Who was it acquired from?</p> <p>10 A. I believe it was Gellatly. A</p> <p>11 company with a name that included Gellatly.</p> <p>12 I don't recall the specific entity.</p> <p>13 THE REPORTER: Can you just</p> <p>14 spell that?</p> <p>15 THE WITNESS: Sure,</p> <p>16 G-E-L-A-P-E-L-Y, Possibly.</p> <p>17 MR. RODGERS: Jim, I think it's</p> <p>18 on survey that we got.</p> <p>19 MR. CHAPMAN: Can you mark that</p> <p>20 as -- we are on 4 now?</p> <p>21 Thank you.</p> <p>22 A. I was close.</p> <p>23 (Whereupon, Exhibit 4 was</p> <p>24 marked for identification.)</p> <p>25 Q. You've been passed on Exhibit</p>

<p style="text-align: right;">Page 34</p> <p>1 4, which is the abstract of title for the 2 vessel, which with we obtained from the 3 Coast Guard National Vessel Documentation 4 Center. 5 And it appears to document that 6 it was sold by Gellatly & Criscione 7 Services Corp. to Carver Marine -- Coeymans 8 Marine Towing, correct? 9 A. That is correct. 10 Q. And that it appears that at the 11 time of the acquisition there was a 12 \$2 million mortgage placed on the vessel? 13 A. That appears to be correct. 14 Q. Okay. So you told us earlier 15 that you thought you'd paid a million 16 dollars for it, but there's a \$2 million 17 mortgage. 18 Is -- can you explain the 19 difference? 20 A. From what I recall, at the time 21 we purchased it and there was some equity 22 in the vessel and we had planned to do some 23 work in the future, so we were able to take 24 out a mortgage for more than we paid for. 25 Q. So you paid the seller a</p>	<p style="text-align: right;">Page 36</p> <p>1 was another mortgage placed on the vessel 2 in the amount of \$2,921,213.50, correct? 3 A. That is correct. 4 Q. Okay. And for some reason that 5 mortgage was terminated just 30 days later 6 and it was reestablished -- actually it 7 looks like the same mortgage was -- must 8 have been recorded twice for some reason. 9 MR. RODGERS: So one -- one 10 says satisfaction. 11 Q. Yeah. Well, the final entry on 12 this abstract of title says that there is a 13 preferred ship mortgage in the amount of 14 \$2,921,213.50 that was filed on March 13th 15 of 2022. 16 Do you see that? 17 A. I do. 18 Q. Okay. With Dime -- and the 19 mortgage is Dime Community Bank. 20 So is there a mortgage in that 21 amount on the vessel today? 22 A. There is a mortgage on the 23 vessel. To my knowledge, there is a 24 mortgage on the vessel that had an original 25 amount of that.</p>
<p style="text-align: right;">Page 35</p> <p>1 million dollars, but succeeded in putting a 2 mortgage on it for \$2 million; is that 3 right? 4 A. That's correct. 5 Q. And who was that mortgage with? 6 A. BNB Bank. 7 Q. Is BNB Bank still in existence 8 today? 9 A. They are not. They were 10 acquired by another bank. 11 Q. And do you know who they were 12 acquired by? 13 A. Dime Bank. 14 MR. RODGERS: His knowledge of 15 who acquired them, Jim, right? 16 Jim? 17 MR. CHAPMAN: Yes. 18 MR. RODGERS: His knowledge. 19 MR. CHAPMAN: That's what he 20 said. I know. 21 MR. RODGERS: I know. He 22 doesn't work for Dime Bank. 23 MR. CHAPMAN: I get that. 24 Q. And continuing with Exhibit 4, 25 it appears further on in 2022 that there</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. It's been paid down some? 2 A. Of course, yes. 3 Q. Okay. All right. 4 And do you know whether Dime 5 Community Bank had the vessel appraised 6 before they allowed a mortgage in that 7 amount? 8 A. I don't know specifically if 9 Dime had it appraised. 10 Q. So who on behalf of Carver 11 would've signed these loan documents? 12 A. Carver Laraway. 13 Q. Your uncle? 14 A. Yes. 15 Q. All right. Would you have 16 reviewed them before he signed them? 17 A. Yes. 18 Q. Okay. Were you involved in 19 some way in the, I'll call it refinancing, 20 to put an almost \$3 million mortgage on it 21 in 2022? 22 A. I -- from what I recall, I was. 23 Q. And do you know whether there 24 was a loaned value requirement that Dime 25 Bank imposed in making this loan?</p>

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<p>1 Was there some limit on how</p> <p>2 much they would loan on the vessel based on</p> <p>3 its value?</p> <p>4 A. I don't recall specifically.</p> <p>5 Q. Have you ever seen an appraisal</p> <p>6 for more than that amount of money, 2.9</p> <p>7 million -- 2,921,213.50?</p> <p>8 MR. RODGERS: You're talking</p> <p>9 about the appraisal --</p> <p>10 MR. CHAPMAN: Yeah, I'm asking</p> <p>11 if he's -- yeah.</p> <p>12 MR. RODGERS: -- either a</p> <p>13 survey or appraisal?</p> <p>14 MR. CHAPMAN: Either one, yeah.</p> <p>15 MR. RODGERS: Okay.</p> <p>16 A. I recall having seen surveys of</p> <p>17 that vessel that were at a larger number</p> <p>18 than that, yes.</p> <p>19 Q. Okay. And what's the largest</p> <p>20 number that you've seen it valued at based</p> <p>21 on a survey?</p> <p>22 MR. RODGERS: Objection. You</p> <p>23 have the document and I ask that you</p> <p>24 put it in front of him.</p> <p>25 MR. CHAPMAN: Well, I'm testing</p>	<p>1 MR. CHAPMAN: Yes. And my</p> <p>2 apologies, this was printed before we</p> <p>3 actually responded to your discovery</p> <p>4 last week, so it didn't have the</p> <p>5 Bates Numbers on it, but it's Bates</p> <p>6 Number Dime 000231. The documents we</p> <p>7 got pursuant to subpoena from Dime.</p> <p>8 MR. RODGERS: That was produced</p> <p>9 to us?</p> <p>10 MR. CHAPMAN: Mm-hmm. Yeah.</p> <p>11 And the -- it ends in 237. So it's</p> <p>12 231 to 237.</p> <p>13 Q. Anyway, my question was, have</p> <p>14 you seen this before?</p> <p>15 A. I may have at the time.</p> <p>16 Q. Okay.</p> <p>17 A. I don't specifically recall.</p> <p>18 Q. Yeah. If you turn to the</p> <p>19 second to last page, it's Page 6 of 7 of</p> <p>20 the exhibit. There at the bottom it says,</p> <p>21 "Estimated fair market value, \$4 million,"</p> <p>22 right?</p> <p>23 A. That is correct.</p> <p>24 Q. And is that your memory that</p> <p>25 you recall seeing or knowing of an</p>
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<p>1 him memory first, Mr. Rodgers.</p> <p>2 MR. RODGERS: All right. You</p> <p>3 can test his memory.</p> <p>4 If you know.</p> <p>5 A. The largest appraisal that I've</p> <p>6 seen is the 2025 appraisal that had a range</p> <p>7 that was over \$4 million. I don't recall</p> <p>8 the specific amount or range.</p> <p>9 Q. Okay.</p> <p>10 MR. CHAPMAN: Can you mark that</p> <p>11 as 5, please?</p> <p>12 (Whereupon Exhibit 5 was marked</p> <p>13 for identification.)</p> <p>14 Q. You've been passed Exhibit 5,</p> <p>15 which is a condition and valuation survey</p> <p>16 report addressed to Dime Community Bank on</p> <p>17 the Tug Mackenzie Rose that's dated late</p> <p>18 20 -- September 6th, 2021.</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Okay. Have you previously seen</p> <p>22 that?</p> <p>23 MR. RODGERS: Just before you</p> <p>24 answer.</p> <p>25 Have you produced this?</p>	<p>1 appraisal in that amount or was it higher?</p> <p>2 A. Can you repeat the question?</p> <p>3 Q. Yeah. You had previously said</p> <p>4 that you had seen another appraisal and you</p> <p>5 recall that it was, I think your words were</p> <p>6 more than four million, but that's what I'm</p> <p>7 trying to find out. Is this that</p> <p>8 appraisal?</p> <p>9 MR. RODGERS: I think he's</p> <p>10 talking about a recent one.</p> <p>11 This is 2021, right?</p> <p>12 MR. CHAPMAN: Yeah.</p> <p>13 A. I testified from what -- I</p> <p>14 testified that the largest appraisal I</p> <p>15 recall having seen was from 2025 and it had</p> <p>16 a range on it.</p> <p>17 Q. Okay.</p> <p>18 MR. RODGERS: And I believe you</p> <p>19 have that from Meyerrose.</p> <p>20 Q. Okay. So that's -- I'm curious</p> <p>21 about that because was it your testimony</p> <p>22 that that appraisal that you've seen from</p> <p>23 2025 was for \$4 million or more?</p> <p>24 A. From what I recall, yes.</p> <p>25 Q. Okay. But you don't think it</p>

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<p>1 was from this appraisal from 2021 that's</p> <p>2 marked as Exhibit 5?</p> <p>3 MR. RODGERS: Objection to</p> <p>4 form. You can answer if you</p> <p>5 understand the question.</p> <p>6 A. Correct.</p> <p>7 Q. Okay. If you look at the first</p> <p>8 page of Exhibit 5, it has the name of a</p> <p>9 person, or an e-mail for a person,</p> <p>10 Jennifer, I don't know how it's pronounced,</p> <p>11 debiasi@dime.com.</p> <p>12 See that?</p> <p>13 A. I do.</p> <p>14 Q. Do you know who that person is?</p> <p>15 A. She is a member of the staff at</p> <p>16 Dime that we've dealt with on a number of</p> <p>17 transactions in the past.</p> <p>18 Q. Okay. Was she previously with</p> <p>19 BNB Bank?</p> <p>20 A. From what I recall, she was.</p> <p>21 Q. Okay. And to your knowledge,</p> <p>22 is she still employed by Dime?</p> <p>23 A. I'm not sure.</p> <p>24 MR. RODGERS: Just for the</p> <p>25 record, the Exhibit 5 the -- it</p>	<p>1 Q. It's addressed to Jennifer</p> <p>2 Pepera. Is that a different person than</p> <p>3 Jennifer DeBlasi, if you know?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Do you know the name Jennifer</p> <p>6 Pepera at Dime Community Bank?</p> <p>7 A. It doesn't specifically ring a</p> <p>8 bell.</p> <p>9 Q. Okay. But this is a -- at</p> <p>10 least a letter purporting to be a desktop</p> <p>11 opinion of an appraisal of the -- excuse</p> <p>12 me, of a survey of the Tug Mackenzie Rose,</p> <p>13 correct?</p> <p>14 MR. RODGERS: Are you going to</p> <p>15 ask him if he has seen it before --</p> <p>16 MR. CHAPMAN: No. I'm just</p> <p>17 asking him if that's what it appears</p> <p>18 to be.</p> <p>19 MR. RODGERS: I prefer if you</p> <p>20 ask him, Have you seen it before?</p> <p>21 But...</p> <p>22 MR. CHAPMAN: How about if he</p> <p>23 answers that question first and then</p> <p>24 I'll ask him if he's seen it before?</p> <p>25 MR. RODGERS: It should be the</p>
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<p>1 references itself as a survey, not as</p> <p>2 an appraisal.</p> <p>3 MR. CHAPMAN: Yeah.</p> <p>4 MR. RODGERS: Just to be</p> <p>5 accurate.</p> <p>6 Q. Yes. Page 1, it appears that</p> <p>7 the title is condition and valuation survey</p> <p>8 report.</p> <p>9 MR. RODGERS: Thank you.</p> <p>10 MR. CHAPMAN: Can you mark that</p> <p>11 as 6, please?</p> <p>12 (Whereupon, Exhibit 6 was</p> <p>13 marked for identification.)</p> <p>14 Q. This is also a letter -- excuse</p> <p>15 me, a document that was obtained from Dime</p> <p>16 Community Bank pursuant to subpoena and</p> <p>17 it's -- although it doesn't have the number</p> <p>18 on it, it is Dime000159.</p> <p>19 And it appears to be some sort</p> <p>20 of desk review of the other appraisal.</p> <p>21 It appears to be a desk review</p> <p>22 of somebody else or the other appraisal, to</p> <p>23 which it refers.</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>	<p>1 first question, Jim. You know better</p> <p>2 than that.</p> <p>3 A. Can I answer?</p> <p>4 Q. Yeah, you can.</p> <p>5 A. It appears to be.</p> <p>6 Q. Okay. And do you know whether</p> <p>7 you've seen it before?</p> <p>8 A. I don't recall having seen this</p> <p>9 before.</p> <p>10 Q. Do you know how much insurance</p> <p>11 coverage for loss of the Tug Mackenzie Rose</p> <p>12 the company carries on it?</p> <p>13 MR. RODGERS: Back then, at the</p> <p>14 time or now?</p> <p>15 Q. Well, at the time of the</p> <p>16 allision with the Belt Line Bridge --</p> <p>17 A. I --</p> <p>18 Q. -- June of 2024.</p> <p>19 A. I do not specifically recall.</p> <p>20 Q. Okay. Is there somebody else</p> <p>21 in your organization who handles insurance</p> <p>22 for Carver Marine Towing?</p> <p>23 A. Yes.</p> <p>24 Q. Who's that?</p> <p>25 A. It's currently being handled by</p>

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<p>1 our financial controller.</p> <p>2 Q. And who is that?</p> <p>3 A. Her name is Melissa Jochum.</p> <p>4 Q. Jochum or Yoakum?</p> <p>5 A. J-O-C-H-U-M.</p> <p>6 Q. Okay.</p> <p>7 A. She handles the nuts and bolts</p> <p>8 of valuations, adding and subtracting</p> <p>9 equipment.</p> <p>10 MR. RODGERS: Just for the</p> <p>11 record, Carver has produced the</p> <p>12 information on the insurance</p> <p>13 regarding them tug and company</p> <p>14 pursuant to your demand, Jim, and the</p> <p>15 further answer of this lawsuit.</p> <p>16 MR. RYAN: May I ask, is</p> <p>17 Mr. Rodgers miced up, because I</p> <p>18 don't -- it's very difficult to hear</p> <p>19 the objections or whatever's being</p> <p>20 said?</p> <p>21 MR. RODGERS: I'm very soft</p> <p>22 spoken.</p> <p>23 You get that?</p> <p>24 MR. RYAN: I heard the last</p> <p>25 part, not the part before.</p>	<p>1 Q. And it says that it's the</p> <p>2 amount insured/agreed, value is \$3,070,000,</p> <p>3 correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Do you understand why it is</p> <p>6 insured for that amount?</p> <p>7 MR. RODGERS: In this document?</p> <p>8 MR. CHAPMAN: No.</p> <p>9 MR. RODGERS: In this document.</p> <p>10 Q. Not necessarily in this</p> <p>11 document, but I'm just trying to understand</p> <p>12 why the company is insured it in that</p> <p>13 amount.</p> <p>14 MR. RODGERS: Just for the</p> <p>15 record, it's -- I think it's dated</p> <p>16 11/1/2023.</p> <p>17 You can answer, if you know.</p> <p>18 A. The company generally insures</p> <p>19 the vessel for -- the vessels for a minimum</p> <p>20 of the fair market value, and when there's</p> <p>21 a higher replacement value, we try and</p> <p>22 insure them for more because if in the</p> <p>23 event that we needed to utilize the</p> <p>24 insurance, we would need to generally</p> <p>25 replace it with something.</p>
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<p>1 MR. RODGERS: I'll speak</p> <p>2 louder.</p> <p>3 Is this Ryan?</p> <p>4 MR. CHAPMAN: Yeah.</p> <p>5 MR. RYAN: Yes, thank you.</p> <p>6 MR. CHAPMAN: Can you mark that</p> <p>7 as 7, please?</p> <p>8 Thank you.</p> <p>9 (Whereupon, Exhibit 7 was</p> <p>10 marked for identification.)</p> <p>11 MR. RODGERS: Just for the</p> <p>12 record, it's Carver00073 and 7 -- no</p> <p>13 I'm sorry.</p> <p>14 MR. CHAPMAN: It's 673.</p> <p>15 MR. RODGERS: 673 and 674.</p> <p>16 Q. Here is a copy for you.</p> <p>17 Mr. Laraway, this was produced</p> <p>18 by the company in discovery. And I believe</p> <p>19 it to be a schedule of vessels and</p> <p>20 the -- including the mounts for which they</p> <p>21 are insured.</p> <p>22 And at the top of the second</p> <p>23 page of this exhibit, it list the Mackenzie</p> <p>24 Rose. Do you see that very first line?</p> <p>25 A. I do.</p>	<p>1 Q. And is it your understanding</p> <p>2 that amount, that \$3,070,000 is a valuation</p> <p>3 that's been agreed to between Carver and</p> <p>4 its insurance company, which appears to be</p> <p>5 Travelers?</p> <p>6 MR. RODGERS: On that</p> <p>7 date -- on the date of the document?</p> <p>8 A. That is my general</p> <p>9 understanding.</p> <p>10 Q. Okay. And that that would be</p> <p>11 the agreed value for the life of this</p> <p>12 particular policy, correct?</p> <p>13 A. Subject to any change, but yes.</p> <p>14 Q. Yeah. Okay.</p> <p>15 MR. RODGER: Yeah. This what</p> <p>16 we produced. It should say --</p> <p>17 MR. CHAPMAN: Where's the next</p> <p>18 exhibit, please?</p> <p>19 THE REPORTER: That's the next</p> <p>20 one.</p> <p>21 Q. I'm going to pass Exhibit 8,</p> <p>22 Carver 001929 through 1917.</p> <p>23 (Whereupon, Exhibit 8 was</p> <p>24 marked for identification.)</p> <p>25 MR. RODGERS: Do you have one</p>

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<p>1 for me?</p> <p>2 MR. CHAPMAN: Sure.</p> <p>3 MR. RODGERS: Or just take</p> <p>4 yours.</p> <p>5 MR. CHAPMAN: You ignore my</p> <p>6 note. He's already answered the</p> <p>7 question, but this...</p> <p>8 MR. RODGERS: Can I mark it or</p> <p>9 you need it back?</p> <p>10 MR. CHAPMAN: No, you can mark</p> <p>11 it up.</p> <p>12 MR. RODGERS: Just so you know,</p> <p>13 I'll cross that out.</p> <p>14 MR. CHAPMAN: Yeah.</p> <p>15 Q. This document was produced to</p> <p>16 us by Carver, so I presume that it's in</p> <p>17 Carvers files, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And it is a -- there's a</p> <p>20 summary page on the front, but then on</p> <p>21 page, the second page of this exhibit, it</p> <p>22 says "Appraisal as of January 21, 2020 on</p> <p>23 the Mary Gellatly." Right?</p> <p>24 A. That is correct.</p> <p>25 Q. Okay. So this presumably was</p>	<p>1 organization would you expect to know?</p> <p>2 A. I would've expected Brian Moore</p> <p>3 as the general manager, Melissa Jochum who</p> <p>4 could look that up, but she wouldn't have</p> <p>5 specific knowledge because she hasn't been</p> <p>6 here that whole time.</p> <p>7 Q. Okay. The way to test that is</p> <p>8 to actually go back and look at all</p> <p>9 those --</p> <p>10 A. Of course.</p> <p>11 Q. -- previous policies and see</p> <p>12 what it's insured for, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right. Has the amount of</p> <p>15 insurance for the vessels been increased,</p> <p>16 to your knowledge since the casualty, since</p> <p>17 the allision?</p> <p>18 A. I believe that it has been</p> <p>19 increased recently in 2025 after completion</p> <p>20 of a shipyard that was done.</p> <p>21 Q. Okay. Do you know what it is</p> <p>22 now?</p> <p>23 A. I don't specifically know.</p> <p>24 Q. Is it over four million.</p> <p>25 MR. RODGERS: The insurance?</p>
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<p>1 done before it was acquired. And it was</p> <p>2 done for the account of Carver according to</p> <p>3 the certification there on Page 1930,</p> <p>4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. And the fair market</p> <p>7 value opinion as of January 31, 2020 is</p> <p>8 stated on the first page is \$3,070,000,</p> <p>9 correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Okay. That's not the</p> <p>12 replacement cost, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right. And to your</p> <p>15 knowledge, has the vessel been</p> <p>16 assured -- insured on an agreed value basis</p> <p>17 for \$3,070,000 going back to 2020, to your</p> <p>18 knowledge?</p> <p>19 A. I don't specifically know.</p> <p>20 Q. Any reason to think that it</p> <p>21 would be something different than that?</p> <p>22 MR. RODGERS: If you know.</p> <p>23 Don't guess.</p> <p>24 A. I don't specifically know.</p> <p>25 Q. Okay. And who in your</p>	<p>1 MR. CHAPMAN: Yeah, the agreed</p> <p>2 value.</p> <p>3 MR. RODGERS: Or the --</p> <p>4 MR. CHAPMAN: The agreed value.</p> <p>5 MR. RODGERS: Yeah.</p> <p>6 MR. CHAPMAN: Yeah.</p> <p>7 A. I would believe so.</p> <p>8 Q. Okay. So you did mention that</p> <p>9 there was a -- you thought a 2025 survey</p> <p>10 that you've seen and it provides a</p> <p>11 valuation that you think exceeds</p> <p>12 \$4 million.</p> <p>13 And is it your understanding</p> <p>14 that on that basis, it's been insured for</p> <p>15 whatever that survey reported the fair</p> <p>16 market value to be?</p> <p>17 MR. RODGERS: Objection to</p> <p>18 form. You can answer if you</p> <p>19 understand the question.</p> <p>20 A. That would be my understanding</p> <p>21 of the process to increase the insurance</p> <p>22 value, yes.</p> <p>23 Q. Okay. Is there any reason we</p> <p>24 can't get a copy of that appraisal?</p> <p>25 MR. RODGERS: You have it, it's</p>

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<p>1 Meyerrose.</p> <p>2 MR. CHAPMAN: Meyerrose did one</p> <p>3 in 2024 for your limitation actually.</p> <p>4 MR. RODGERS: No, I believe</p> <p>5 they did one in 2025.</p> <p>6 MR. CHAPMAN: Well, I --</p> <p>7 MR. RODGERS: So --</p> <p>8 MR. CHAPMAN: I'd need to see</p> <p>9 it. Can you give me the Bates</p> <p>10 Numbers? We'll be happy to go look</p> <p>11 it up.</p> <p>12 MR. RODGERS: Yeah. Just give</p> <p>13 us a second. I'm talking to counsel.</p> <p>14 One shows April 1st 20 -- yeah.</p> <p>15 2025. See if this dates -- no, there</p> <p>16 isn't on this one. Yeah, 001962.</p> <p>17 MR. CHAPMAN: What does it</p> <p>18 start with though?</p> <p>19 MR. RODGERS: Carver.</p> <p>20 MR. CHAPMAN: Just says Carver?</p> <p>21 MR. RODGERS: What number?</p> <p>22 MR. CHAPMAN: Yeah. Some of</p> <p>23 your productions say Carver and some</p> <p>24 have a long name.</p> <p>25 MR. RODGERS: This is what I</p>	<p>1 MR. RODGERS: If not, I'll</p> <p>2 print it out.</p> <p>3 MR. CHAPMAN: All right.</p> <p>4 MR. RODGERS: You guys, we have</p> <p>5 coffee here. This is also a coffee</p> <p>6 room.</p> <p>7 THE REPORTER: Okay.</p> <p>8 MR. RODGERS: Opposing</p> <p>9 counsel's not allowed to go in.</p> <p>10 THE VIDEOGRAPHER: We are going</p> <p>11 off the record. The time is 11:05</p> <p>12 a.m.</p> <p>13 Off the record.</p> <p>14 (Whereupon, a short recess was</p> <p>15 held at this time.)</p> <p>16 THE VIDEOGRAPHER: Beginning</p> <p>17 Media Number 2. We are back on the</p> <p>18 record. The time is 11:18 a.m.</p> <p>19 Q. We'll come back to the</p> <p>20 appraisal in a little bit. Here it is.</p> <p>21 MR. RODGERS: Copies in the</p> <p>22 bottom.</p> <p>23 MR. NANAVATI: That's</p> <p>24 there -- wait, which is the original?</p> <p>25 MR. RODGERS: Copies in the</p>
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<p>1 sent to you after I looked at</p> <p>2 Meyerrose. Remember we -- you</p> <p>3 subpoenaed them.</p> <p>4 MR. CHAPMAN: Okay.</p> <p>5 MR. RODGERS: And then I -- we</p> <p>6 did a privilege review copy and sent</p> <p>7 it to you.</p> <p>8 MR. CHAPMAN: All right. Did</p> <p>9 you hold anything on the basis of</p> <p>10 privilege?</p> <p>11 MR. RODGERS: On that?</p> <p>12 MR. CHAPMAN: Yeah.</p> <p>13 MR. RODGERS: No. No.</p> <p>14 MR. CHAPMAN: Carver, what is</p> <p>15 it? 001963?</p> <p>16 MR. RODGERS: That's correct.</p> <p>17 MR. CHAPMAN: Okay.</p> <p>18 MR. RODGERS: Do you want to</p> <p>19 take a break and --</p> <p>20 MR. CHAPMAN: Yeah, I'd like to</p> <p>21 take a look at it.</p> <p>22 MR. RODGERS: -- it's passed an</p> <p>23 hour, so I'll see if I have a copy in</p> <p>24 my office.</p> <p>25 MR. CHAPMAN: Okay.</p>	<p>1 bottom.</p> <p>2 MR. NANAVATI: Okay, good.</p> <p>3 MR. RODGERS: I guess that one</p> <p>4 has -- it's -- yeah. The ones to</p> <p>5 mark, this one, Jim?</p> <p>6 MR. CHAPMAN: Yeah, what'll</p> <p>7 that be? 9?</p> <p>8 THE WITNESS: This one was 8.</p> <p>9 THE REPORTER: 8?</p> <p>10 THE WITNESS: Nope, this was 8.</p> <p>11 MR. CHAPMAN: Yeah. That's 8,</p> <p>12 so this would be 9.</p> <p>13 THE REPORTER: Thank you.</p> <p>14 Marked.</p> <p>15 (Whereupon, Exhibit 9 was</p> <p>16 marked for identification.)</p> <p>17 Q. I didn't realize it was quite</p> <p>18 such a thick document, but I think we're</p> <p>19 looking at maybe the first 10 pages of this</p> <p>20 thing and the rest of it is all</p> <p>21 photographs.</p> <p>22 But is this the survey that you</p> <p>23 were recalling in your earlier testimony</p> <p>24 that it was done in 2025 by Meyerrose and</p> <p>25 Company?</p>

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<p>1 A. Yes.</p> <p>2 Q. And it appears that the</p> <p>3 valuation set forth in this report marked</p> <p>4 Exhibit 9, is four and a half to five</p> <p>5 million dollars, if I am reading Page 9</p> <p>6 correctly?</p> <p>7 A. That is correct.</p> <p>8 Q. And do you know how much</p> <p>9 it -- the vessel's currently insured for</p> <p>10 then?</p> <p>11 A. I don't know specifically.</p> <p>12 Q. Did you understand they went</p> <p>13 up?</p> <p>14 A. Yes.</p> <p>15 Q. Got you. So at the time of the</p> <p>16 allision, what is Carver's understanding of</p> <p>17 the value of the vessel, the Tug Mackenzie</p> <p>18 Rose?</p> <p>19 A. Approximately two and a half</p> <p>20 million dollars.</p> <p>21 Q. And what is that based upon?</p> <p>22 A. A survey that was done recently</p> <p>23 after the allision.</p> <p>24 Q. And was that the survey by</p> <p>25 Mr. Meyerrose?</p>	<p>1 Rose as of the date of the allision in</p> <p>2 2024?</p> <p>3 MR. RODGERS: Objection to</p> <p>4 form. You can answer if you</p> <p>5 understand it.</p> <p>6 A. Nothing specifically that I can</p> <p>7 bring to mind.</p> <p>8 Q. Okay. I mean, okay.</p> <p>9 A. Industry experience.</p> <p>10 Q. I'm sorry?</p> <p>11 A. I said the industry experience</p> <p>12 of our leaders.</p> <p>13 Q. Which includes yours?</p> <p>14 A. Which would include more</p> <p>15 specifically Brian Moore as the general</p> <p>16 manager and expert in the maritime field.</p> <p>17 Q. And has he ever told you that</p> <p>18 he thought that as of the date of the</p> <p>19 casualty, the vessel was worth something</p> <p>20 betwee -- up to two and a half million</p> <p>21 dollars?</p> <p>22 A. I don't recall having that</p> <p>23 specific conversations with him.</p> <p>24 Q. All right. Great. Thank you.</p> <p>25 I'll take that back. Thank you.</p>
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<p>1 A. That is my understanding.</p> <p>2 Q. Okay. Have you seen that</p> <p>3 survey recently, Mr. Laraway?</p> <p>4 A. Yes.</p> <p>5 Q. Let me show you what was</p> <p>6 previously marked in Mr. Moore's deposition</p> <p>7 as Exhibit 33.</p> <p>8 A. Thank you.</p> <p>9 MR. RODGERS: Jim?</p> <p>10 MR. CHAPMAN: I do not have an</p> <p>11 extra copy of it. That's the</p> <p>12 original from the previous</p> <p>13 deposition.</p> <p>14 MR. RODGERS: Okay. Yeah.</p> <p>15 Good. Let me have this.</p> <p>16 Q. Is that the survey you're</p> <p>17 talking about?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the valuation is two and a</p> <p>20 half million dollars?</p> <p>21 A. That's the high end of the</p> <p>22 range, yes, sir.</p> <p>23 Q. Okay. Other than that survey,</p> <p>24 is there anything else on which Carver</p> <p>25 bases its valuation of the Tug Mackenzie</p>	<p>1 The vessel at -- Tug Mackenzie</p> <p>2 Rose, at the time of the of allision, was</p> <p>3 pushing a Weeks barge to a job site where</p> <p>4 some bridge components or things that were</p> <p>5 needed to construct a bridge would do; is</p> <p>6 that right?</p> <p>7 A. It was pushing a Weeks barge to</p> <p>8 or from a job site, I don't know.</p> <p>9 Q. Okay.</p> <p>10 A. In which direction.</p> <p>11 Q. And how much was Carver being</p> <p>12 paid for making that transit?</p> <p>13 A. I don't know the specific</p> <p>14 amount.</p> <p>15 Q. You don't?</p> <p>16 A. Not off the top of my head.</p> <p>17 Q. Carver would have been paid</p> <p>18 something for --</p> <p>19 A. Absolutely.</p> <p>20 Q. -- delivering that cargo,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. And what job was it for?</p> <p>24 A. We were hired by -- my</p> <p>25 understanding is that we were hired by</p>

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<p>1 Skanska on a one-off basis to move this</p> <p>2 barge for a project they were participating</p> <p>3 in.</p> <p>4 Q. So this is not like a long-term</p> <p>5 project where you were making lots of runs?</p> <p>6 It was just once?</p> <p>7 A. They contacted us on a one-off</p> <p>8 basis to move it as they do from time to</p> <p>9 time.</p> <p>10 Q. And how much did they pay</p> <p>11 Carver to do the job?</p> <p>12 A. It was a lump some fee. I do</p> <p>13 not recall the specific amount. I believe</p> <p>14 it was in the documents we provided.</p> <p>15 MR. CHAPMAN: Is that true? Is</p> <p>16 that -- Mr. Rodgers, is that a</p> <p>17 document that's actually been</p> <p>18 produced so far?</p> <p>19 MR. RODGERS: I know we were</p> <p>20 looking for it. I'm not sure if</p> <p>21 we've produced it yet.</p> <p>22 Q. So just to be clear, if you can</p> <p>23 take a look at Exhibit 1 really quick.</p> <p>24 On the list of topics.</p> <p>25 A. Mm-hmm.</p>	<p>1 Q. Okay. Did Skanska demand some</p> <p>2 reduction, or some credit or discount --</p> <p>3 A. Not that I'm aware of.</p> <p>4 Q. -- that resulted in Carver not</p> <p>5 getting paid?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. Okay. So to your knowledge,</p> <p>8 Skanska paid whatever they were invoiced</p> <p>9 for?</p> <p>10 A. That is my understanding.</p> <p>11 Q. Have you ever seen that</p> <p>12 invoice?</p> <p>13 A. I do not recall having seen the</p> <p>14 specific invoice.</p> <p>15 Q. Okay. Did you talk to anybody</p> <p>16 besides the lawyers about the amount of</p> <p>17 that invoice?</p> <p>18 A. I did.</p> <p>19 Q. Okay, and what were you told?</p> <p>20 A. I was told that we did the work</p> <p>21 for Skanska. They reached to us on a</p> <p>22 one-off basis to move it and we charged</p> <p>23 them lump sum. I do not recall the amount,</p> <p>24 that is the simple problem here.</p> <p>25 Q. You think somebody did tell you</p>
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<p>1 Q. Topic Number 7 is freight</p> <p>2 towage or higher received or owed for the</p> <p>3 service of the vessel at the time of the</p> <p>4 incident.</p> <p>5 A. Yes.</p> <p>6 Q. Right. So I'm trying to</p> <p>7 understand, what did you do to prepare</p> <p>8 yourself to be able to testify on that</p> <p>9 topic?</p> <p>10 MR. RODGERS: Objection. Don't</p> <p>11 testify as to what you've discussed</p> <p>12 with your lawyers, me or any other</p> <p>13 lawyer.</p> <p>14 You may -- can I confer with</p> <p>15 the witness?</p> <p>16 Q. Let me ask this --</p> <p>17 MR. RODGERS: It's to your</p> <p>18 benefit.</p> <p>19 MR. CHAPMAN: Let me ask</p> <p>20 this --</p> <p>21 MR. RODGERS: All right. Go</p> <p>22 ahead.</p> <p>23 Q. Did Carver invoice Skanska for</p> <p>24 this job?</p> <p>25 A. I believe so.</p>	<p>1 the amount, you just don't remember it?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So is there some way to</p> <p>4 find that out?</p> <p>5 MR. RODGERS: Yes.</p> <p>6 A. Yes.</p> <p>7 MR. RODGERS: I believe in our</p> <p>8 response. We may have said we were</p> <p>9 still searching for that. And that</p> <p>10 would be the witness, I believe, has</p> <p>11 been searching for it, no. Maybe</p> <p>12 not.</p> <p>13 A. I spoke to our salesmen about</p> <p>14 the information, asked him to forward it</p> <p>15 over. We spoke about it over the phone, he</p> <p>16 did not send it to me yet, but we spoke</p> <p>17 about it. That's how I have the knowledge</p> <p>18 of the business arrangement.</p> <p>19 Q. Who was the salesman?</p> <p>20 A. Dylan Galm.</p> <p>21 Q. Well, let me just kind of ask a</p> <p>22 little bit around that then. Is there a</p> <p>23 process to give a quote, this is what it's</p> <p>24 going to cost or did they just call you up</p> <p>25 and say hey, we need you to move this barge</p>

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<p>1 for us. Tell us what it's going to be or</p> <p>2 send us an invoice when you're done?</p> <p>3 A. The process generally includes</p> <p>4 quoting from time to time, when it's, "Can</p> <p>5 you do something for me? Give me a number,</p> <p>6 we do it," and we send an invoice and we</p> <p>7 get paid for it. So it could happen in</p> <p>8 either scenario.</p> <p>9 Q. Okay. And do you know what</p> <p>10 happened in this scenario with Skanska?</p> <p>11 A. Dylan indicated with -- to me</p> <p>12 when I spoke to him that there was a rate</p> <p>13 sheet provided, a one off, and that we did</p> <p>14 the work, we invoiced him for it and to his</p> <p>15 knowledge, we were paid for it. And I can</p> <p>16 obtain that number for you during a break</p> <p>17 if you'd like.</p> <p>18 Q. Okay.</p> <p>19 MR. RODGERS: If not, we'll</p> <p>20 leave a -- you could leave a space in</p> <p>21 the record for that amount and we'll</p> <p>22 get it to counsel.</p> <p>23 A. _____</p> <p>24 _____.</p> <p>25 Q. So I want to ask you some</p>	<p>1 you've done to prepare for this deposition?</p> <p>2 MR. RODGERS: He's relying on</p> <p>3 the testimony of Mr. Moore and</p> <p>4 Mr. Baldassare.</p> <p>5 Q. Maybe I'm -- I apologize.</p> <p>6 MR. RODGERS: As well as the</p> <p>7 documents produced to date.</p> <p>8 Q. I may have misunderstood your</p> <p>9 answer. You said that that information</p> <p>10 would be in the hands of or in the minds of</p> <p>11 or knowledge of Mr. Moore and</p> <p>12 Mr. Baldassare?</p> <p>13 A. And what they have testified</p> <p>14 to, and all of the information we have</p> <p>15 provided today.</p> <p>16 Q. Okay. And did you read their</p> <p>17 testimony?</p> <p>18 A. I did not.</p> <p>19 Q. Did you read a summary of their</p> <p>20 testimony?</p> <p>21 MR. RODGERS: Objection.</p> <p>22 Attorney-client. Don't answer that.</p> <p>23 Q. I'm not asking what's in the</p> <p>24 summary --</p> <p>25 MR. RODGERS: Don't answer</p>
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<p>1 questions about topic number nine. The</p> <p>2 operation course and speed of the vessel on</p> <p>3 the day of the incident.</p> <p>4 Did you talk to anybody, not</p> <p>5 the lawyers, but did you talk to anybody</p> <p>6 besides the lawyers to educate yourself</p> <p>7 about the operation course and speed of the</p> <p>8 vessel on the date of the incident?</p> <p>9 MR. RODGERS: Subject to, I</p> <p>10 believe our objection --</p> <p>11 Q. Yes.</p> <p>12 MR. RODGERS: -- in the written</p> <p>13 objections, he can answer.</p> <p>14 A. I did not.</p> <p>15 Q. Okay. Why not?</p> <p>16 MR. RODGERS: Objection to</p> <p>17 form.</p> <p>18 A. I spoke with our attorneys, I</p> <p>19 reviewed the information we provided and I</p> <p>20 believe that Brian Moore and Lenny are the</p> <p>21 appropriate people to testify as to those</p> <p>22 items related to the actions of the tugboat</p> <p>23 on that day.</p> <p>24 Q. So you are not in a position to</p> <p>25 testify about that topic based on anything</p>	<p>1 that.</p> <p>2 Q. I'm only asking whether you</p> <p>3 have read a summary of their testimony.</p> <p>4 MR. RODGERS: Objection. Does</p> <p>5 that include what the attorneys have</p> <p>6 provided?</p> <p>7 MR. CHAPMAN: It might have.</p> <p>8 I'm not asking what the substance</p> <p>9 was.</p> <p>10 MR. RODGERS: Don't answer any.</p> <p>11 No. You're answering what we did to</p> <p>12 prep him and that -- I mean, you're</p> <p>13 asking what we did to prep him.</p> <p>14 MR. CHAPMAN: Well, are you</p> <p>15 telling the witness not to answer,</p> <p>16 Mr. Rodgers?</p> <p>17 MR. RODGERS: I think I</p> <p>18 objected.</p> <p>19 Q. Okay. I understand your</p> <p>20 objection. I'm just asking, did you read a</p> <p>21 summary of what either Mr. Baldassare or</p> <p>22 Mr. Moore testified to?</p> <p>23 MR. RODGERS: You can answer if</p> <p>24 you read a summary. Not what you</p> <p>25 read.</p>

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<p>1 A. I did read summaries.</p> <p>2 Q. And do you know who prepared</p> <p>3 the summaries?</p> <p>4 MR. RODGERS: What was the -- I</p> <p>5 didn't hear you.</p> <p>6 Q. I said do you know who prepared</p> <p>7 the summaries?</p> <p>8 MR. RODGERS: Don't answer</p> <p>9 that. I'm directing the witness not</p> <p>10 to answer.</p> <p>11 Q. Well, I'm just trying to</p> <p>12 understand. Was it like ChatGPT that</p> <p>13 prepared them or was it an actual human</p> <p>14 being, if you know?</p> <p>15 MR. RODGERS: You're asking him</p> <p>16 if it came from his attorneys or from</p> <p>17 somebody else?</p> <p>18 MR. CHAPMAN: Well, it might</p> <p>19 have come from his attorneys.</p> <p>20 MR. RODGERS: Well, why don't</p> <p>21 you establish that so you're not</p> <p>22 asking him privileged information?</p> <p>23 MR. CHAPMAN: Well, I started</p> <p>24 by asking if he knew who had prepared</p> <p>25 the summaries.</p>	<p>1 A. I don't know off the top of my</p> <p>2 head.</p> <p>3 Q. You don't?</p> <p>4 A. I do not.</p> <p>5 Q. What was the heading of the Tug</p> <p>6 Mackenzie Rose at the time that it allided</p> <p>7 with the Norfolk and Portsmouth Belt Line</p> <p>8 Bridge on June 15th, 2024?</p> <p>9 MR. RODGERS: Objection. Asked</p> <p>10 and answered. You can --</p> <p>11 A. I would repeat my prior answer.</p> <p>12 Q. How long ago did you review the</p> <p>13 summaries that you've mentioned of the</p> <p>14 testimony of Mr. Baldassare or Mr. Moore?</p> <p>15 MR. RODGERS: Objection. I'm</p> <p>16 directing the witness not to answer.</p> <p>17 And I know what you are doing, Jim.</p> <p>18 You are trying into get into</p> <p>19 the -- to attorney-client work</p> <p>20 process.</p> <p>21 Q. I'm --</p> <p>22 MR. RODGERS: Yeah, you are.</p> <p>23 So don't answer that. Maybe ask it a</p> <p>24 different way. I don't think there's</p> <p>25 another way, but ask it and I'll let</p>
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<p>1 MR. RODGERS: You're getting</p> <p>2 into attorney-client preparation.</p> <p>3 You can answer if your attorneys</p> <p>4 provided you, or somebody else.</p> <p>5 A. It was provided by my</p> <p>6 attorneys.</p> <p>7 Q. So --</p> <p>8 MR. RODGERS: In preparation</p> <p>9 for this deposition?</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. RODGERS: I just want to</p> <p>12 make that clear, Jim, that we -- that</p> <p>13 he's prepared himself.</p> <p>14 Q. And do you -- what was the</p> <p>15 speed of the vessel when it allided with</p> <p>16 the Belt Line Bridge on June 15th, 2024?</p> <p>17 MR. RODGERS: Objection. Asked</p> <p>18 and answered. You can answer it</p> <p>19 again.</p> <p>20 A. I would rely on the testimony</p> <p>21 of Brian and Lenny as well as the documents</p> <p>22 we've provided in discovery.</p> <p>23 Q. Okay. But what was the speed?</p> <p>24 I can -- I hear you saying you're relying</p> <p>25 on them.</p>	<p>1 him answer.</p> <p>2 Q. At the time of the allision,</p> <p>3 what was Carver's procedure for reporting</p> <p>4 allisions?</p> <p>5 A. The procedure was contained</p> <p>6 within the safety management system.</p> <p>7 Q. Is that the section called the</p> <p>8 incident response, section 9.5?</p> <p>9 A. I believe so, yes.</p> <p>10 Q. Let me pass over to you the</p> <p>11 document that was marked as Exhibit 4</p> <p>12 during Mr. Moore's deposition. These are</p> <p>13 sections of the safety management system</p> <p>14 previously produced to us by Carver. I</p> <p>15 want to ask you some questions about them.</p> <p>16 MR. RODGERS: You don't have a</p> <p>17 copy for me?</p> <p>18 MR. CHAPMAN: I don't. I</p> <p>19 brought the original and the copy</p> <p>20 that I took.</p> <p>21 MR. RODGERS: It's all right.</p> <p>22 MR. CHAPMAN: From the deps.</p> <p>23 But if you want to --</p> <p>24 MR. RODGERS: Well, let me go</p> <p>25 through it quickly.</p>

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<p style="text-align: right;">Page 74</p> <p>1 MR. CHAPMAN: You still have 2 your copy back in your office? 3 MR. RODGERS: I'd have to have 4 like 50 documents in here. It's 5 okay. I know what this is. 6 Q. So if you look towards the end 7 of the document and I didn't have anything 8 to do with numbering. So these seem like 9 they are not numbered in the right order, 10 but they follow the section numbers of the 11 safety management system. You see that? 12 A. Okay. 13 Q. Based on the title page. So 14 towards the end, you should see a page that 15 looks like this and -- 16 A. What does it say on the bottom? 17 Carver number? 18 Q. It says Carver number 163. 19 MR. RODGERS: 163? 20 Q. Mm-hmm. 000163. 21 MR. RODGERS: You know, Jim, 22 let's take a break. I'm going to 23 just see if -- I think I have a pile 24 of the exhibits we used that week and 25 that should be in it, right?</p>	<p style="text-align: right;">Page 76</p> <p>1 incident or accident reporting procedure, 2 correct? 3 A. That is my understanding. 4 Q. Okay. Have you reviewed this 5 before your testimony today? 6 A. I have in general reviewed it, 7 yes. 8 Q. So the two reporting 9 priorities, first is the master and that's 10 the master of the tug, or master of the 11 vessel, correct? 12 A. Yes. 13 Q. "We'll notify the office as 14 soon as practical after a marine casualty." 15 And second bullet, "The master will notify 16 the nearest USCG unit," which I take to 17 mean U.S. Coast Guard unit, "as soon as 18 practical after a marine casualty," right? 19 A. That's what that says, yes. 20 Q. Okay. And that's Carver's 21 procedure; isn't it? 22 A. That is what that says, yes. 23 Q. All right. And then it appears 24 to actually include the entire text of a 25 few sections of the code of federal</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. CHAPMAN: Yeah. That's 2 fine. You want to go grab it? 3 MR. RODGERS: Two minutes. 4 Yeah. 5 THE VIDEOGRAPHER: We are going 6 off the record. The time is 11:40 7 a.m. 8 THE VIDEOGRAPHER: Beginning 9 Media Number 3. We are back on the 10 record. The time is 11:50 a.m. 11 Q. Mr. Laraway, do you have 12 Exhibit 4 from Mr. Moore's deposition in 13 front of you? 14 A. I do. 15 Q. And then we were referring to 16 the section labeled 9.5 accident/incident 17 reporting. 18 A. I can take this apart, right? 19 MR. RODGERS: Yes. 20 Q. Starts at Carver 000163. You 21 see that? 22 A. I do. 23 Q. Okay. And it's clear this is 24 the safety management system requirements 25 around what needs to be done as far as an</p>	<p style="text-align: right;">Page 77</p> <p>1 regulations as part of the 2 incident/accidents' reporting procedures, 3 right? It doesn't? 4 A. I'm sorry. No, he -- 5 Q. Oh, he took it away from you? 6 A. Yes. 7 MR. RODGERS: Yeah, I did. 8 Just an objection to the extent 9 you're asking him any kind of a legal 10 question or conclusion. 11 Q. So -- 12 MR. RODGERS: Could you refer 13 to what you're saying when you say code of 14 federal regulation? What you are pointing 15 to? 16 Q. Yeah. They're on Page 163 17 under the heading "Marine Casualty or 18 Incident." It refers to 46 CFR 4.03-1, 19 correct? 20 A. Correct. 21 Q. All right. And on the 22 following pages it prefers to further 23 sections of 46 CFR 4.03, 4.05? 24 A. That is correct. 25 Q. Yeah. Okay. So Carver's</p>

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<p>1 policy is to follow the code of federal 2 regulations? 3 MR. RODGERS: Objection to 4 form. 5 You can answer if you 6 understand the question. 7 A. Our policy is to follow these 8 specific regulations. 9 Q. Okay. So if you turn to Page 10 164, under the section, "Notice of Marine 11 Casualty 46 CFR 4.05-1," in Section A, it 12 says, "Immediately after addressing 13 resultant safety concerns, the owner, 14 agent, master operator or person in charge 15 shall notify the nearest Sector Office, 16 Marine Inspection Office or Coast Guard 17 Group Office whenever a vessel is involved 18 in a marine casualty consisting in," and 19 it's got a bunch of sub parts, right? 20 A. It does. 21 Q. So the first one is "Unintended 22 grounding or unintended strike of (allision 23 with) a bridge," correct? 24 A. That's correct. 25 Q. Okay. To Carver's knowledge or</p>	<p>1 A. Yes. 2 Q. Or Coeymans doing business as 3 Carver Marine Towing, right? 4 A. Yes. 5 Q. So in that capacity, I am 6 asking, did Carver notify any of those 7 Coast Guard offices immediately after the 8 allision? 9 A. I'm not aware that they did. 10 Q. Okay. And when is the first 11 time that Carver notified the Coast Guard 12 of the allision? 13 A. My understanding is that the 14 first correspondence with the Coast Guard 15 regarding this was days after it happened. 16 Q. And what is Carver's 17 understanding of the reasons why it did not 18 notify the Coast Guard immediately after 19 the allision? 20 A. My understanding from preparing 21 for this deposition is that the original 22 report provided to Lenny was that it was 23 strike between the barge and fendering and 24 not the bridge structure. It was not until 25 days later that the fact that the bridge</p>
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<p>1 understanding, was the allision with the 2 Norfolk and Portsmouth Belt Line Bridge on 3 June 15th, 2024 unintended? 4 MR. RODGERS: Just what he 5 understood at the time? What they 6 understood at the time or now? 7 Q. I'm asking him whether 8 he -- whether Carver believes that it was 9 unintended? 10 MR. RODGERS: Okay. 11 A. Yes. 12 Q. Okay. You don't have any 13 information to suggest that it was an 14 intended allision, correct? 15 A. Correct. 16 Q. Okay. So in the context of 17 this reporting obligation, did Carver 18 immediately notify any of these Coast Guard 19 designated offices regarding the allision 20 with the Belt Line Bridge? 21 A. Carver referring to myself and 22 the company, or Carver Marine Towing, or 23 anyone? 24 Q. Okay. Well, you are here on 25 behalf of Carver Marine Towing?</p>	<p>1 was struck came to light. 2 Q. And who reported that 3 information to -- you called him Lenny, 4 that's Mr. Baldassare, right? 5 A. Leonard. Yep. 6 Q. Who reported that information 7 to Mr. Baldassare? 8 A. It was the captain or the mate, 9 I don't recall specifically. 10 Q. The captain being Christopher 11 Miller? 12 A. Yes. 13 Q. Who's now deceased? 14 A. Yes. 15 Q. And the mate being James 16 Morrissey? 17 A. Correct. 18 Q. Who no longer works for the 19 company? 20 A. Correct. 21 Q. So is it Carver's assessment 22 that one or both of them conveyed false 23 information to Mr. Baldassare? 24 MR. RODGERS: Objection to the 25 term false, but you can answer if you</p>

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<p>1 understand the question.</p> <p>2 A. It is my understanding that</p> <p>3 incorrect information was provided to</p> <p>4 Lenny.</p> <p>5 Q. By either Captain Miller or</p> <p>6 Captain Morrissey?</p> <p>7 A. Correct.</p> <p>8 Q. How did Carver then become</p> <p>9 aware that that information was incorrect?</p> <p>10 MR. RODGERS: Go ahead if you</p> <p>11 know.</p> <p>12 A. I would have to rely on the</p> <p>13 testimony of Lenny and Brian as to how they</p> <p>14 become aware that the information was</p> <p>15 correct.</p> <p>16 Q. Was it my letter that was</p> <p>17 e-mailed to you on June 20th, 2024?</p> <p>18 MR. RODGERS: When the witness</p> <p>19 had knowledge?</p> <p>20 Q. Yes. Mm-hmm.</p> <p>21 A. That is when I first had</p> <p>22 knowledge that there was a strike between</p> <p>23 the barge and the bridge.</p> <p>24 Q. And did you come to learn that</p> <p>25 either Mr. Baldassare and Mr. Moore knew of</p>	<p>1 first the Captain Morrissey, but now</p> <p>2 it's Baldassare, and I don't want him</p> <p>3 confused.</p> <p>4 Q. I'm just trying to find out if</p> <p>5 you became aware that Mr. Moore or</p> <p>6 Mr. Baldassare knew that the original</p> <p>7 information that was provided by either</p> <p>8 Captain Morrissey or Captain Miller on the</p> <p>9 date of the allision was incorrect at any</p> <p>10 time before you received my letter on June</p> <p>11 20th of 2024?</p> <p>12 A. I am not aware of when they</p> <p>13 specifically learned that they had been</p> <p>14 provided incorrect information about it</p> <p>15 hitting the fendering, not the bridge.</p> <p>16 Q. But did you come to learn that</p> <p>17 they knew of it before you did?</p> <p>18 MR. RODGERS: Objection.</p> <p>19 Q. That they knew of the incorrect</p> <p>20 information before you did?</p> <p>21 MR. RODGERS: Objection to</p> <p>22 form. You're making a statement. You are</p> <p>23 asking if he knows that they knew</p> <p>24 beforehand or are you telling him they knew</p> <p>25 beforehand? So my objection is to the</p>
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<p>1 the strike with the bridge? With the</p> <p>2 bridge, not the fender system prior to the</p> <p>3 letter that I sent to you on June 20th,</p> <p>4 2024?</p> <p>5 MR. RODGERS: Who were the</p> <p>6 employees you just mentioned?</p> <p>7 Q. Moore and Baldassare.</p> <p>8 A. That is my understanding.</p> <p>9 Q. That they did know of it before</p> <p>10 I sent the letter to you?</p> <p>11 MR. RODGERS: Objection. No.</p> <p>12 That's not what he's saying.</p> <p>13 MR. CHAPMAN: Maybe I</p> <p>14 misunderstood. That's what I'm</p> <p>15 trying to tease out.</p> <p>16 MR. RODGERS: I think you're</p> <p>17 mixing up not intentionally, but</p> <p>18 he -- and the witness could be</p> <p>19 getting mixed up what the captain and</p> <p>20 Morrissey knew, and what Moore and</p> <p>21 Baldassare knew.</p> <p>22 Q. That's what I'm trying to find</p> <p>23 out.</p> <p>24 MR. RODGERS: Well, it's</p> <p>25 getting mixed up because you asked</p>	<p>1 form.</p> <p>2 MR. CHAPMAN: If you want to</p> <p>3 make a form objection, just make a form</p> <p>4 objection rather than continuing to --</p> <p>5 MR. RODGERS: I mean, if you</p> <p>6 are not going to re-do the question,</p> <p>7 then I'll just tell him not to answer</p> <p>8 it. So I'd ask that you redo the</p> <p>9 question in a proper form.</p> <p>10 MR. CHAPMAN: Okay.</p> <p>11 MR. RODGERS: So it's not to</p> <p>12 confuse the witness.</p> <p>13 MR. CHAPMAN: So I'm not going</p> <p>14 to re-ask the question. Okay. If</p> <p>15 you want me to tell him not to</p> <p>16 answer, that's your call.</p> <p>17 MR. RODGERS: I know you want</p> <p>18 me to do that, but we'll see what</p> <p>19 happens. You want to repeat the</p> <p>20 question?</p> <p>21 A. Can you repeat the question?</p> <p>22 MR. CHAPMAN: Sure. Madam</p> <p>23 Court Reporter, could you read it</p> <p>24 back, please?</p> <p>25 (Whereupon, the above record</p>

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<p>1 was read back by the court reporter.)</p> <p>2 MR. RODGERS: Do you understand</p> <p>3 the question?</p> <p>4 A. I understand the question. I'm</p> <p>5 not sure as to those facts, you would have</p> <p>6 to rely on their testimony as to when they</p> <p>7 became aware.</p> <p>8 Q. To Carver's understanding, did</p> <p>9 anyone contact the Norfolk and Portsmouth</p> <p>10 Belt Line regarding the allision at any</p> <p>11 time prior to my letter to you on June</p> <p>12 20th, 2024?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. As part of your</p> <p>15 responsibilities with Carver, have you ever</p> <p>16 had occasion to access the safety</p> <p>17 management system for Carver Marine Towing?</p> <p>18 A. Access it? I have never had</p> <p>19 occasion to access it directly, no.</p> <p>20 Q. Okay. You -- so never go to</p> <p>21 look things up, or try to understand what's</p> <p>22 in it or that's sort of thing --</p> <p>23 MR. RODGERS: Objection to</p> <p>24 form.</p> <p>25 Q. -- in your role with Carver?</p>	<p>1 Carver 000898.</p> <p>2 Have you reviewed that before</p> <p>3 today?</p> <p>4 MR. RODGERS: Hasn't seen it</p> <p>5 before the deposition.</p> <p>6 Q. Well, you can call it seen,</p> <p>7 yeah. I'm just trying to find out if it</p> <p>8 was something that you looked at before</p> <p>9 today?</p> <p>10 MR. RODGERS: I prefer if you</p> <p>11 ask him, has he seen it before today?</p> <p>12 A. I have seen the form. I</p> <p>13 haven't reviewed it --</p> <p>14 Q. Okay.</p> <p>15 A. -- in specific detail.</p> <p>16 Q. If you turn to the second page</p> <p>17 of the form. Page 899. There is a</p> <p>18 numbered section 1.13, "Lookout." You see</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. It says, "It's</p> <p>22 required." Do you see the text required</p> <p>23 over in the right-hand side?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. Do you know the purpose</p>
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<p>1 MR. RODGERS: You can answer.</p> <p>2 Objection to form.</p> <p>3 A. I have not been required to</p> <p>4 access it. If I ever had any questions, I</p> <p>5 would ask it of the general managers.</p> <p>6 Q. So any of the sections of the</p> <p>7 safety management system that you have</p> <p>8 reviewed have been in connection with</p> <p>9 attempting to prepare for this deposition,</p> <p>10 right?</p> <p>11 A. Any of the sections that I have</p> <p>12 reviewed recently have been in connection</p> <p>13 with this deposition, correct?</p> <p>14 Q. All right. So let me ask you</p> <p>15 the, again referring to Exhibit 4. And you</p> <p>16 may want to put a paper clip back on that</p> <p>17 just so it doesn't get all out of order?</p> <p>18 A. I can just -- I'll close it and</p> <p>19 get back there if I need to.</p> <p>20 Q. Okay. So there is a section</p> <p>21 7.3 in Exhibit 4, which looks like a form</p> <p>22 that you would fill out.</p> <p>23 It starts at the --</p> <p>24 A. I can, yeah.</p> <p>25 Q. Bates Number at the bottom is</p>	<p>1 of requiring lookout information as part of</p> <p>2 this form?</p> <p>3 MR. RODGERS: Objection to</p> <p>4 form. He is not here as an expert.</p> <p>5 You can answer as to what he knows.</p> <p>6 A. As to my personal knowledge, I</p> <p>7 do not know why.</p> <p>8 Q. Okay. This is a Carver form</p> <p>9 though?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. If you could turn to the</p> <p>12 section beginning with 7.5 titled</p> <p>13 "Navigation." The Bates Number is Carver</p> <p>14 000817.</p> <p>15 Do you see the form -- excuse</p> <p>16 me, the section?</p> <p>17 A. I do.</p> <p>18 Q. Okay. It actually begins on</p> <p>19 the prior page. So it begins on 816. But</p> <p>20 I do want to ask you a question about 817.</p> <p>21 In the middle of the page it says, "Use of</p> <p>22 autopilot if equipped." Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Was the Mackenzie Rose equipped</p> <p>25 with an autopilot?</p>

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<p>1 A. That is my understanding.</p> <p>2 Q. Okay. And as part of the</p> <p>3 navigation section of the safety management</p> <p>4 system, there's no company prohibition on</p> <p>5 using the automatic pilot that's placed on</p> <p>6 any of the operators of the vessels,</p> <p>7 correct?</p> <p>8 MR. RODGERS: Objection. If</p> <p>9 you're asking him as an expert or as</p> <p>10 mariner, he's already testified he's</p> <p>11 not. To the extent of your</p> <p>12 knowledge, you can answer.</p> <p>13 A. Can you repeat the question,</p> <p>14 please?</p> <p>15 Q. Yeah. Could you read it back,</p> <p>16 please?</p> <p>17 (Whereupon, the above record</p> <p>18 was read back by the court reporter.)</p> <p>19 MR. RODGERS: Same objection.</p> <p>20 Jim, are you asking him what it</p> <p>21 says or are you asking him what he</p> <p>22 knows?</p> <p>23 MR. CHAPMAN: Well, I'm asking</p> <p>24 him about the contents of the safety</p> <p>25 management system and specifically</p>	<p>1 circumstances shall the wheelman</p> <p>2 responsible for the transit make the bridge</p> <p>3 due to pressure or pride." What does that</p> <p>4 mean?</p> <p>5 MR. RODGERS: Objection to</p> <p>6 form. You can answer if you</p> <p>7 understand the question.</p> <p>8 A. I would rely on the depositions</p> <p>9 of Brian and Lenny. As to the specifics of</p> <p>10 what that means, I would be making an</p> <p>11 educated guess.</p> <p>12 Q. So you don't know?</p> <p>13 A. Not specifically.</p> <p>14 Q. And then right underneath it,</p> <p>15 it has a heading called "Safety Briefing"?</p> <p>16 A. Correct.</p> <p>17 Q. Was there a safety briefing</p> <p>18 before the transit of any of the bridges on</p> <p>19 the Southern branch of the Elizabeth River?</p> <p>20 MR. RODGERS: Objection to</p> <p>21 form.</p> <p>22 MR. CHAPMAN: Let me just</p> <p>23 finish.</p> <p>24 MR. RODGERS: Sorry.</p> <p>25 Q. Prior to the allision on June</p>
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<p>1 focused on the company's policy</p> <p>2 regarding the use of autopilot. And</p> <p>3 I just want to be sure that we</p> <p>4 understand it.</p> <p>5 Q. And my question is, whether</p> <p>6 there is any company policy prohibiting the</p> <p>7 use of the autopilot?</p> <p>8 A. I would rely on the depositions</p> <p>9 of Brian and Lenny to speak to the</p> <p>10 specifics. But based upon reading this,</p> <p>11 there does not appear to be any prohibition</p> <p>12 in writing in this document.</p> <p>13 Q. Are you aware of any</p> <p>14 prohibition that is somehow not in writing?</p> <p>15 A. I'm not aware.</p> <p>16 Q. If you could turn to the</p> <p>17 section titled 7.1, Bridge Transits. The</p> <p>18 Bates Number is Carver 000910.</p> <p>19 This section appears to provide</p> <p>20 instructions regarding bridge transits by</p> <p>21 vessels, correct?</p> <p>22 A. That appears to be correct.</p> <p>23 Q. And right in the middle of the</p> <p>24 page, it says, kind of in a call out,</p> <p>25 yellow or orange-ish color. "Under no</p>	<p>1 15th, 2024?</p> <p>2 A. I would rely upon the documents</p> <p>3 provided and the depositions of Brian Lenny</p> <p>4 and all the crew members to answer that</p> <p>5 question. I'm not directly aware</p> <p>6 personally.</p> <p>7 Q. What training does Carver</p> <p>8 provide to its employees regarding bridge</p> <p>9 transits.</p> <p>10 A. I would rely upon the</p> <p>11 depositions of Brian and Lenny as to those</p> <p>12 answers and all of the documents provided</p> <p>13 in discovery. I do not specifically know.</p> <p>14 Q. Are you -- does Carver know of</p> <p>15 any training that was specifically provided</p> <p>16 to Captain Morrissey regarding bridge</p> <p>17 transits?</p> <p>18 A. I would answer the question the</p> <p>19 same way I answered the prior one.</p> <p>20 Q. Which is you don't know and</p> <p>21 you'd rely on what other people had to say</p> <p>22 about it?</p> <p>23 A. Correct.</p> <p>24 Q. If I'm correctly summarizing</p> <p>25 your answer.</p>

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<p>1 MR. RODGERS: Relying on</p> <p>2 specific testimony and the documents</p> <p>3 produced to date, not just anyone.</p> <p>4 Q. What testing, if any, does</p> <p>5 Carver provide regarding the captain's</p> <p>6 knowledge and the capabilities regarding</p> <p>7 bridge transits?</p> <p>8 MR. RODGERS: Objection. The</p> <p>9 captain's not been -- not testified</p> <p>10 and he is deceased and Mr. Morrissey</p> <p>11 is scheduled for next week. So the</p> <p>12 witness cannot possibly know that.</p> <p>13 MR. CHAPMAN: So once again,</p> <p>14 there you go off doing your best to</p> <p>15 coach the witness into an answer,</p> <p>16 Mr. Rodgers.</p> <p>17 MR. RODGERS: I'm not coaching.</p> <p>18 MR. CHAPMAN: And I just ask</p> <p>19 that if you have a form objection,</p> <p>20 just make it and then we'll proceed</p> <p>21 with the witnesses knowledge.</p> <p>22 MR. RODGERS: You were asking</p> <p>23 him about testimony that hasn't</p> <p>24 happened and you know better than</p> <p>25 anybody it hasn't happened. So it's</p>	<p>1 Q. And what's that belief based</p> <p>2 on?</p> <p>3 A. Any sanction training that we</p> <p>4 provide or that someone is -- comes with is</p> <p>5 stored within their personnel files.</p> <p>6 Q. Have you reviewed any such</p> <p>7 training records for Captain James</p> <p>8 Morrissey?</p> <p>9 A. I specifically have not.</p> <p>10 Q. Do you know if they exist?</p> <p>11 A. Anything that exists has been</p> <p>12 provided through the discovery that we have</p> <p>13 conducted. That I'm aware of.</p> <p>14 Q. So you don't know whether it</p> <p>15 exists or not but if it does, you believe</p> <p>16 it's been provided in discovery?</p> <p>17 A. Correct.</p> <p>18 Q. To Carver's knowledge, was a</p> <p>19 lookout posted for the bridge transit of</p> <p>20 the Norfolk and Portsmouth Belt Line Bridge</p> <p>21 on June 15th, 2024?</p> <p>22 A. Not that I'm aware of.</p> <p>23 MR. RODGERS: You okay?</p> <p>24 THE WITNESS: Is now a good</p> <p>25 time for a break or?</p>
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<p>1 an improper question.</p> <p>2 Q. Could you read the question</p> <p>3 back?</p> <p>4 (Whereupon, the above record</p> <p>5 was read back by the court reporter.)</p> <p>6 THE WITNESS: Can I answer?</p> <p>7 MR. RODGERS: If you can</p> <p>8 answer.</p> <p>9 A. I would reiterate the same</p> <p>10 statement as before. We would have to rely</p> <p>11 on the testimony of Brian, Lenny, the</p> <p>12 captain which we can't have, the future</p> <p>13 testimony of the mate and the documents</p> <p>14 provided through discovery. I do not</p> <p>15 personally have any firsthand knowledge of</p> <p>16 any training.</p> <p>17 Q. Does Carver have records of the</p> <p>18 training of its personnel at Carver Marine</p> <p>19 Towing?</p> <p>20 A. There -- can you repeat the</p> <p>21 question?</p> <p>22 Q. Does Carver maintain records of</p> <p>23 the training that is provided to the people</p> <p>24 that work for Carver Marine Towing?</p> <p>25 A. I believe we do.</p>	<p>1 MR. RODGERS: It's up to you.</p> <p>2 You're the witness.</p> <p>3 Q. Do you need to take a break?</p> <p>4 A. If we can, I'd just like to use</p> <p>5 the restroom real quick.</p> <p>6 Q. Yeah. Sure.</p> <p>7 A. Are we done with this document?</p> <p>8 Q. I think so, yeah.</p> <p>9 A. Okay.</p> <p>10 THE VIDEOGRAPHER: We are going</p> <p>11 off the record. The time is 12:18 p.m.</p> <p>12 Off the record.</p> <p>13 (Whereupon, a short recess was</p> <p>14 held.)</p> <p>15 THE VIDEOGRAPHER: Beginning</p> <p>16 Media Number 4. We are back on the record.</p> <p>17 The time is 12:32 p.m.</p> <p>18 Q. Mr. Laraway, what training was</p> <p>19 provided to the captains of the tugs</p> <p>20 regarding the use of the autopilot on any</p> <p>21 of the tugs that were equipped with it?</p> <p>22 A. I would rely on the testimony</p> <p>23 of Brian and Lenny, any documents in</p> <p>24 evidence and the future testimony of</p> <p>25 Morrissey. I'm not specifically aware</p>

<p style="text-align: right;">Page 98</p> <p>1 myself.</p> <p>2 Q. And you haven't done anything</p> <p>3 to become aware?</p> <p>4 A. I didn't hear you.</p> <p>5 Q. And you haven't done anything</p> <p>6 to become aware?</p> <p>7 MR. RODGERS: Objection. He</p> <p>8 didn't say that.</p> <p>9 MR. CHAPMAN: Well, he said he</p> <p>10 was not specifically aware himself.</p> <p>11 That's what I'm trying to understand.</p> <p>12 Q. You haven't done anything to</p> <p>13 specifically become aware?</p> <p>14 MR. RODGERS: Objection. You</p> <p>15 can answer if you want. If you</p> <p>16 understand it.</p> <p>17 A. I understand the question.</p> <p>18 I -- during my preposition, I did not</p> <p>19 become aware of specific training related</p> <p>20 to use of the autopilot.</p> <p>21 Q. So you would rely on, I think</p> <p>22 you said Mr. Baldassare or Mr. Moore or</p> <p>23 documents?</p> <p>24 A. Or documents or Morrissey,</p> <p>25 testimony forthcoming.</p>	<p style="text-align: right;">Page 100</p> <p>1 Near the bottom it talks about</p> <p>2 testing. You see that?</p> <p>3 A. I do.</p> <p>4 Q. And it says, "All employees and</p> <p>5 applicants are required to participate in</p> <p>6 prohibitive substance screenings for the</p> <p>7 following reasons." And the first one is</p> <p>8 preemployment, A, B on the next page is</p> <p>9 random sampling and then C is</p> <p>10 post-incident?</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. "So any employee directly</p> <p>14 involved in an accident, injury or incident</p> <p>15 involving human error or any required</p> <p>16 reporting by the U.S. Coast Guard will be</p> <p>17 subjected to sampling to rule out the</p> <p>18 involvement of prohibited substances,"</p> <p>19 right? Is that what it says?</p> <p>20 A. It is.</p> <p>21 Q. There wasn't any post-incident</p> <p>22 alcohol testing of any of the members of</p> <p>23 the crew following the allision of the</p> <p>24 Mackenzie Rose with the Belt Line Bridge on</p> <p>25 June 15th, 2024, correct?</p>
<p style="text-align: right;">Page 99</p> <p>1 MR. CHAPMAN: What exhibit are</p> <p>2 we up to?</p> <p>3 THE REPORTER: I think 10.</p> <p>4 MR. CHAPMAN: Okay.</p> <p>5 Will you mark that as 10,</p> <p>6 please.</p> <p>7 (Whereupon, Exhibit 10 was</p> <p>8 marked for identification.)</p> <p>9 Q. Mr. Laraway, you've been handed</p> <p>10 what's been marked as Exhibit 10, which is</p> <p>11 Section 6.4 from the safety management</p> <p>12 system.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. I just want to kind of start on</p> <p>16 Page 1 there. Basically, the use of</p> <p>17 alcohol in connection with any sort of</p> <p>18 vessel operations is prohibited by the</p> <p>19 company, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. If you turn to the third</p> <p>22 page of this exhibit, for those of you who</p> <p>23 are on the call, it's marked as Carver TBS</p> <p>24 Helm CONNECT 00. Starts at 843 and the</p> <p>25 page I'm on now is 845.</p>	<p style="text-align: right;">Page 101</p> <p>1 MR. RODGERS: Just alcohol?</p> <p>2 Q. Well, I'm asking about alcohol</p> <p>3 right now, but yeah, this refers to</p> <p>4 prohibited substances.</p> <p>5 MR. RODGERS: Objection to</p> <p>6 form. You can answer it.</p> <p>7 Q. My first question was about</p> <p>8 alcohol. There wasn't any alcohol testing,</p> <p>9 was there?</p> <p>10 A. Not that I'm aware.</p> <p>11 Q. Okay. In section D, it says,</p> <p>12 "Alcohol test kits are on board the vessel</p> <p>13 to meet the two-hour alcohol testing</p> <p>14 deadline." Are there in fact alcohol test</p> <p>15 kits on the vessel?</p> <p>16 A. I would have to rely upon the</p> <p>17 testimony of Brian and Lenny and the</p> <p>18 documents provided in evidence. I'm not</p> <p>19 certain.</p> <p>20 Q. Okay. And then there's a</p> <p>21 further drug testing deadline for</p> <p>22 prohibited substances that has to be done</p> <p>23 within 32 hours.</p> <p>24 You see that?</p> <p>25 A. I see that.</p>

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<p>1 Q. And there wasn't any such drug</p> <p>2 testing of any members of the crew of the</p> <p>3 Mackenzie Rose within that period of time</p> <p>4 following the allision with the Belt Line</p> <p>5 Bridge, correct?</p> <p>6 A. Not that I'm aware of.</p> <p>7 MR. RODGERS: You said drug</p> <p>8 testing?</p> <p>9 MR. CHAPMAN: I said drug</p> <p>10 testing, yes.</p> <p>11 Q. In the aftermath of the</p> <p>12 allision with the Belt Line Bridge on June</p> <p>13 15th, 2024, did Carver change anything</p> <p>14 related to its drug testing protocols or</p> <p>15 policies?</p> <p>16 MR. RODGERS: Objection.</p> <p>17 Foundation. You can answer if you</p> <p>18 know.</p> <p>19 A. I'm unaware.</p> <p>20 Q. Who is Thomas Feeney?</p> <p>21 A. Tom Feeney is an operations</p> <p>22 manager for Carver Marine Towing.</p> <p>23 Q. Is he still employed by Carver?</p> <p>24 A. He is.</p> <p>25 Q. Since the allision with the</p>	<p>1 of drug testing consortium. Do you see</p> <p>2 that?</p> <p>3 A. I do see that.</p> <p>4 Q. And the company that they were</p> <p>5 talking to was American Maritime Safety,</p> <p>6 Inc.?</p> <p>7 A. That's what it appears to be.</p> <p>8 Q. Okay. Attached to this e-mail,</p> <p>9 apparently somebody forwarded it to</p> <p>10 Mr. Feeney is a membership services</p> <p>11 agreement? Starting at --</p> <p>12 MR. RODGERS: Just on the</p> <p>13 record, just an objection to the line</p> <p>14 of questioning or remedial, but the</p> <p>15 witness can answer to his knowledge.</p> <p>16 And if just -- I'm going to</p> <p>17 have that as standing objection.</p> <p>18 Q. Sure. It be -- the page number</p> <p>19 is 212.</p> <p>20 A. Okay.</p> <p>21 Q. Has Carver entered into this</p> <p>22 agreement or an agreement like this with</p> <p>23 AMS, America Maritime Safety?</p> <p>24 A. I am not aware if we have, or</p> <p>25 have not.</p>
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<p>1 Belt Line Bridge in June of 2024, has</p> <p>2 Carver hired a vendor to manage its drug</p> <p>3 and alcohol testing?</p> <p>4 A. The company may have. I'm not</p> <p>5 aware of any. That doesn't mean it didn't</p> <p>6 happen. We've had relationships with</p> <p>7 multiple drug testing vendors in the past.</p> <p>8 I'm not sure if we're using the same one or</p> <p>9 if it's switched.</p> <p>10 MR. CHAPMAN: Can you mark that</p> <p>11 as Exhibit 11, please?</p> <p>12 (Whereupon, Exhibit 11 was</p> <p>13 marked for identification.)</p> <p>14 Q. You've been passed a document</p> <p>15 marked Exhibit 11 which appears to be an</p> <p>16 e-mail from Thomas Feeney on July 29th,</p> <p>17 2024 to Brian Moore, Leonard Baldassare and</p> <p>18 Jason Galieto. Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. For those of you who are</p> <p>21 attending remotely, the production number</p> <p>22 is Carver ESI000201. And it appears to be</p> <p>23 an e-mail that has been forwarded by</p> <p>24 Mr. Feeney to others in the Carver Marine</p> <p>25 Towing end of the business about some sort</p>	<p>1 Q. Is there any other vendor of</p> <p>2 these type of services that Carver has</p> <p>3 entered into an agreement with?</p> <p>4 A. What type of services?</p> <p>5 Q. These drug testing services.</p> <p>6 A. We have a standard vendor that</p> <p>7 Carver Companies utilizes for</p> <p>8 pre-employment, random and post-incident</p> <p>9 drug and alcohol testing at a number of our</p> <p>10 locations.</p> <p>11 Q. Those -- are those shoreside</p> <p>12 facilities? When you say a number of those</p> <p>13 locations, I'm just trying to understand</p> <p>14 your answer.</p> <p>15 A. My understanding is that that</p> <p>16 vendor provides the service for our</p> <p>17 shoreside locations and when requested for</p> <p>18 our tug and fleet as well.</p> <p>19 Q. And who is that vendor?</p> <p>20 A. The companies name is Foro,</p> <p>21 F-O-R-O. I don't know much beyond that.</p> <p>22 Q. Okay. You didn't sign the</p> <p>23 contract?</p> <p>24 A. Not that I'm aware of. Not</p> <p>25 that I can recall.</p>

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<p>1 Q. Okay.</p> <p>2 MR. CHAPMAN: Can you mark this</p> <p>3 as 12, please?</p> <p>4 (Whereupon, Exhibit 12 was</p> <p>5 marked for identification.)</p> <p>6 Q. You've been passed Exhibit 11,</p> <p>7 which appears to be a letter and</p> <p>8 some -- oh, I'm sorry. I apologize.</p> <p>9 You've been passed Exhibit 12.</p> <p>10 Thank you, Madam Court Reporter.</p> <p>11 Mr. Laraway, you've been passed</p> <p>12 Exhibit 12, a letter from Carver to</p> <p>13 Mr. Morrissey, James Morrissey, with a</p> <p>14 couple of details, pages detailing, I guess</p> <p>15 some kind of internal processing related to</p> <p>16 his termination.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. Was Captain Morrissey</p> <p>20 disciplined in any way after the allision</p> <p>21 with the Belt Line Bridge?</p> <p>22 A. He was sus -- my understanding</p> <p>23 is he was suspended pending the outcome of</p> <p>24 multiple investigations.</p> <p>25 Q. So how soon was he suspended</p>	<p>1 A. Yes.</p> <p>2 Q. So if you look on the second</p> <p>3 page of Exhibit 12, which looks like it's</p> <p>4 some sort of print out from that system; is</p> <p>5 that right?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. So who is Sybil</p> <p>8 Linstead?</p> <p>9 A. Sybil is one of our HR</p> <p>10 generalists.</p> <p>11 Q. Still employed by the company?</p> <p>12 A. Yes.</p> <p>13 Q. And then a little further down,</p> <p>14 under administrator termination, it says,</p> <p>15 "Administered -- initiated for James</p> <p>16 Morrissey, initiated by Thomas Marin."</p> <p>17 Is -- am I pronouncing that correctly?</p> <p>18 A. You are.</p> <p>19 Q. And who is Mr. Marin?</p> <p>20 A. He is our chief HR officer,</p> <p>21 CHRO.</p> <p>22 Q. Does he still work for the</p> <p>23 company?</p> <p>24 A. He does not.</p> <p>25 Q. And do you recall about when he</p>
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<p>1 after the allision?</p> <p>2 A. For specifics, we would need to</p> <p>3 rely on the documents and evidence on the</p> <p>4 testimony of Brian and Lenny. I would only</p> <p>5 be able to speak to what I recall.</p> <p>6 Q. Yeah. So there's a collection</p> <p>7 of documents from what I presume to be his</p> <p>8 personal -- personnel jacket, personnel</p> <p>9 file --</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- that was produced. I</p> <p>12 couldn't find anything in there about him</p> <p>13 being suspended. I only find this</p> <p>14 reference to a termination. Is there a</p> <p>15 status that would normally be entered in</p> <p>16 the system that says the employee was</p> <p>17 suspended?</p> <p>18 A. I don't operate within the HRIS</p> <p>19 system. I can't speak to -- if that is a</p> <p>20 possible status or not.</p> <p>21 Q. When you say HRIS, what is that</p> <p>22 an acronym for?</p> <p>23 A. HR Information System.</p> <p>24 Q. Human Resources Information</p> <p>25 System?</p>	<p>1 left?</p> <p>2 A. About three or four months ago,</p> <p>3 it was recent.</p> <p>4 Q. Did he take another position</p> <p>5 somewhere else?</p> <p>6 A. He did.</p> <p>7 Q. And do you know where he went?</p> <p>8 A. Where Tom went.</p> <p>9 Q. Yeah.</p> <p>10 A. He is working for some service</p> <p>11 provider of SUNY in the Albany area. I</p> <p>12 don't know the specific company but.</p> <p>13 Q. A service provider of SUNY, you</p> <p>14 mean as and acronym for?</p> <p>15 A. State University of New York.</p> <p>16 They provide services for -- as a</p> <p>17 subcontractor or vendor of SUNY.</p> <p>18 Q. So on the second -- on the next</p> <p>19 page of Exhibit 12.</p> <p>20 A. Mm-hmm.</p> <p>21 Q. It says -- it's a continuation,</p> <p>22 I presume, of the printout from that</p> <p>23 system. It says, "Eligible for rehire."</p> <p>24 Do you see that line?</p> <p>25 A. I do.</p>

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<p>1 Q. No. Why is he not eligible for 2 rehire?</p> <p>3 A. That would be a question to be 4 answered by Brian or Tom.</p> <p>5 Q. Did you personally, I'm asking 6 you in your personal capacity, have any 7 involvement in his termination?</p> <p>8 A. Other than awareness that it 9 was happening, I was not involved in the 10 process, no.</p> <p>11 Q. So what was the reason for his 12 termination?</p> <p>13 A. While under paid suspension 14 during the investigation, Brian or some 15 member of his team became aware that 16 Mr. Morrissey began employment for another 17 company. And he didn't feel it appropriate 18 to continue to pay him as a suspended 19 mariner while he was working for someone 20 else.</p> <p>21 Q. So he was still on the payroll, 22 so to speak and getting paid even though he 23 wasn't working?</p> <p>24 A. Correct. Paid suspension, is 25 my understanding.</p>	<p>1 of personnel file that I haven't seen, 2 right?</p> <p>3 A. Yes.</p> <p>4 Q. I realize you can't read my 5 mind.</p> <p>6 A. Yes.</p> <p>7 Q. But I'm just -- I didn't see 8 any and just trying to figure out what the 9 reference is to "see documents."</p> <p>10 A. I can't attest -- I didn't 11 write this nor was I involved in the 12 execution of this. So I can't. 13 Specifically somebody's buzzing.</p> <p>14 Q. So would Sybil Linstead have 15 made all of these entries?</p> <p>16 A. Based upon my understanding of 17 what is written here, it could have been 18 Sybil or it could have been Tom.</p> <p>19 I don't know if this was a 20 printout that Sybil did and Tom filled the 21 whole thing out or if Tom did the whole 22 thing. I'm not familiar enough with the 23 system to say which one of two of them.</p> <p>24 Q. So we can go back to Page 1. 25 It says, the very first sentence, "In</p>
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<p>1 Q. And who did he go to work for 2 while he was still on your payroll?</p> <p>3 A. I don't know.</p> <p>4 Q. So the last entry on this page 5 says, "Notes." There's nothing in the 6 before column but then in the submitted 7 column it says, "Ongoing Coast Guard 8 investigations. See documents."</p> <p>9 A. That is what it says.</p> <p>10 Q. What documents are those?</p> <p>11 A. I don't have personal knowledge 12 as to what they are. I would rely on the 13 testimony of Brian and the documents 14 submitted.</p> <p>15 Q. Did you review the records 16 produced to us regarding Mr. Morrissey?</p> <p>17 A. I generally reviewed hundreds 18 of documents. I don't know specifically if 19 I reviewed those specific documents.</p> <p>20 Q. Yeah. I'm just trying to 21 understand if there --</p> <p>22 A. Yeah.</p> <p>23 Q. Are there any? It says, "See 24 documents." Are there any other documents 25 that relate to Mr. Morrissey in these kind</p>	<p>1 accordance with New York, NY Labor Law," I 2 assume that means New York Labor Law, 3 "195(6), this letter is to provide written 4 notice that your employment with Carver 5 Companies terminated on 9/27/2024, right." 6 And then it further says, "Your last day 7 work was on about 9/27/2024."</p> <p>8 If I understood your earlier 9 testimony, he didn't actually work that 10 day, he was just in a suspended status.</p> <p>11 A. That is my understanding.</p> <p>12 Q. He may have been working for 13 somebody else at the time?</p> <p>14 A. He may have.</p> <p>15 Q. Okay. So was he an employee of 16 Carver Companies as it says in that first 17 line?</p> <p>18 A. He was an employee of Carver 19 Companies Payroll, that is correct, LLC.</p> <p>20 Q. So at the end -- well, let me 21 just kind of unpack that. Carver -- I'm 22 sorry. You said it's Carver Companies 23 Payroll, LLC?</p> <p>24 A. That is correct.</p> <p>25 Q. What is that?</p>

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<p style="text-align: right;">Page 114</p> <p>1 A. It is an entity of ours that 2 processes payroll for all our hourly and 3 day rate employees that work for various 4 Carver entities. 5 Q. Not just Carver Marine Towing? 6 A. No. 7 Q. But doesn't handle salaried 8 personnel? 9 A. Correct. 10 Q. Okay. It's signed or at least 11 has a signature block for Sybil Laraway. 12 Who is that? 13 A. That is Sybil's maiden name. 14 Q. Oh, this is Sybil Linstead? 15 A. Yes. 16 Q. They are one and the same? 17 A. Yes. 18 Q. Okay. Are you related to her? 19 A. She is my cousin. 20 Q. There's a -- this has been 21 photocopied and provided to us in 22 discovery. And it appears to have a pink 23 sticky note on it. 24 Do you see that? 25 A. It does.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Until he went out sick before 2 he passed away. 3 Q. Okay. So besides being 4 suspended and I guess not performing duties 5 at some point following the allision with 6 the Belt Line Bridge, was there any other 7 employment or disciplinary action taken 8 against Mr. Morrissey up until the time he 9 was terminated? 10 A. My understanding is the 11 investigation internally and with the Coast 12 Guard remained ongoing, and that we were 13 waiting until there was a conclusion to 14 that before we took any further action. 15 Q. So is it fair to say that if 16 hadn't been terminated because it turned 17 out for a period that he was working for 18 somebody else, he would still be in a 19 suspended status? 20 MR. RODGERS: Objection to 21 form. It calls for speculation. 22 Q. Let me just finish -- pending 23 your receipt or whatever the Coast Guard's 24 investigation was? 25 A. It was -- it certainly is</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Do you know whether there is 2 anything under that sticky note that we 3 can't see because it's covering it? 4 A. I don't specifically know that 5 there is nothing under there, but I do not 6 believe there is. 7 Q. Okay. And what makes you think 8 that? 9 A. Based upon where her signature 10 block is, I wouldn't believe. And knowing 11 how our signature blocks are set up, I 12 wouldn't believe there is anything to the 13 right of her e-mail signature block or 14 letter's signature block, whatever it is. 15 Q. Okay. Was any action taken 16 against Captain Christopher Miller, 17 disciplinary or employment-wise, as a 18 result of the allision with the Belt Line 19 Bridge? 20 A. Not that I'm aware of. 21 Q. So he stayed on the payroll, 22 right? And continued to work for Carver? 23 A. That's my understanding. 24 Q. Okay. At least until he passed 25 away this year?</p>	<p style="text-align: right;">Page 117</p> <p>1 possible that that could be the case. 2 Q. Who is Jason Galioto? 3 A. He is an employee of Carver 4 Marine Towing. 5 Q. And what's his position? 6 A. He works in compliance and 7 safety predominantly. 8 Q. Do you know when he was first 9 hired? 10 A. He's been employed here since 11 prior to the incident but I don't recall 12 specifically when he was hired. 13 Q. Okay. 14 MR. CHAPMAN: So this is a 15 convenient time to take a break and grab 16 some lunch. 17 MR. RODGERS: Yeah. 18 MR. CHAPMAN: All right. 19 MR. RODGERS: What time do you 20 want? 21 MR. CHAPMAN: You want to come 22 back at 2:00? 23 THE VIDEOGRAPHER: We are going 24 off the record. The time is 12:58 p.m. 25 Off the record.</p>

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<p>1 (Whereupon, a short recess was</p> <p>2 held at this time.)</p> <p>3 THE VIDEOGRAPHER: Beginning</p> <p>4 Media Number 5. We are back on the record.</p> <p>5 The time is 2:06 p.m.</p> <p>6 Q. Would you mark that as the next</p> <p>7 exhibit?</p> <p>8 THE REPORTER: I believe 13.</p> <p>9 MR. CHAPMAN: 13, yeah.</p> <p>10 (Whereupon, Exhibit 13 was</p> <p>11 marked for identification.)</p> <p>12 Q. Mr. Laraway, this is another</p> <p>13 section out of the Carver Safety</p> <p>14 Management, number 8.8F, titled</p> <p>15 "Collision/allision."</p> <p>16 Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. And the reference is Carver TBS</p> <p>19 Helm CONNECT 00996 and 997. It looks like</p> <p>20 Page 1 covers collisions; is that correct?</p> <p>21 A. That appears to be correct.</p> <p>22 Q. And then Page 2 covers</p> <p>23 allisions. That is hidden fixed objects.</p> <p>24 The first of which is, what to do if you</p> <p>25 hit an aid to navigation, and the second,</p>	<p>1 including photographs." There's one</p> <p>2 photograph that has been produced in</p> <p>3 discovery and I'm still sort of chasing the</p> <p>4 original native version of it. But I want</p> <p>5 to show you that one photograph, which was</p> <p>6 marked as Exhibit 1 at Mr. Moore's</p> <p>7 deposition.</p> <p>8 Have you seen that photograph</p> <p>9 before?</p> <p>10 A. I have.</p> <p>11 Q. Okay. And did you see it</p> <p>12 in -- I'll ask it in the first month after</p> <p>13 the incident, after the allision?</p> <p>14 A. From what I can recall, yes.</p> <p>15 Q. Yeah. And did somebody forward</p> <p>16 that to you?</p> <p>17 A. I don't recall how I came upon</p> <p>18 it.</p> <p>19 Q. Okay. So it could have been</p> <p>20 like an attachment to an e-mail?</p> <p>21 A. It could have.</p> <p>22 Q. It could have been somebody</p> <p>23 texted it to you?</p> <p>24 A. It could have.</p> <p>25 Q. Yeah. Somebody might have</p>
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<p>1 what to do if you hit a structure, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And so kind of like the</p> <p>4 incident reporting, number one for hitting</p> <p>5 a structure is to notify the company,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Number two is to notify the</p> <p>9 appropriate person in charge. It's got a</p> <p>10 parenthetical, (The lock master, the bridge</p> <p>11 tender, the doc master, et cetera.) Do you</p> <p>12 see that?</p> <p>13 A. I do.</p> <p>14 Q. You've already confirmed that</p> <p>15 the company did not notify the bridge when</p> <p>16 it happened, right?</p> <p>17 A. That is correct.</p> <p>18 Q. And then it says to notify the</p> <p>19 U.S. Coast Guard if appropriate. And we've</p> <p>20 already seen that your 9.5 of the SMS says</p> <p>21 if you hit -- unintended contact with a</p> <p>22 bridge requires notifications to the Coast</p> <p>23 Guard and that didn't happen, correct?</p> <p>24 A. Correct.</p> <p>25 Q. It says, "Document the damage</p>	<p>1 printed it out -- I'm sorry, this sounds</p> <p>2 silly, but I'm just trying to understand</p> <p>3 what the range of options are.</p> <p>4 Somebody printed it and you saw it like in</p> <p>5 the paper version that is right there?</p> <p>6 A. Certainly.</p> <p>7 Q. If you look at Exhibit 1 there,</p> <p>8 it's a little grainy, it's not like super</p> <p>9 clear.</p> <p>10 Have you ever seen one that is</p> <p>11 not grainy like that?</p> <p>12 A. I don't recall if the one that</p> <p>13 I saw was less grainy or of the same</p> <p>14 quality.</p> <p>15 Q. The one you saw, you know, in</p> <p>16 the month or so after the allision, did it</p> <p>17 lead you to believe that there had been</p> <p>18 some damage to the bridge itself?</p> <p>19 A. Knowing what I saw in the</p> <p>20 letter you sent me and the nature of the</p> <p>21 bridge and the photo, it lead me to believe</p> <p>22 that that was correct.</p> <p>23 Q. Okay. Do you know whether any</p> <p>24 other photographs of the bridge were taken</p> <p>25 by the tug?</p>

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<p>1 A. I would rely upon the testimony 2 of Brian and Lenny and documents produced, 3 and I'm personally I'm unaware of any 4 additional.</p> <p>5 Q. All right. I'll take number 6 one back. Thank you.</p> <p>7 A. You're welcome.</p> <p>8 Q. Can you mark that as 14, 9 please?</p> <p>10 (Whereupon, Exhibit 14 was 11 marked for identification.)</p> <p>12 Q. You've been handed what's been 13 marked as Exhibit 14, which is an e-mail 14 produced in discovery. It begins with 15 Carver ESI000313 and ends with 319. And it 16 appears to be an e-mail sent by Jason 17 Galioto to Brian Moore on July 3rd, 2024. 18 Do you see that?</p> <p>19 A. That appears to be correct.</p> <p>20 Q. And he appears to be forwarding 21 e-mail received from the Tug Mackenzie 22 Rose, sent July 2nd, 2024.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. So who is able to use the</p>	<p>1 A. Yeah.</p> <p>2 Q. All right. Okay. And there 3 appear to be five digital images embedded 4 in the e-mail which says -- it's at 5 the -- on Page 2. It says, "It's sent from 6 my iPhone." Is the Tug's phone an iPhone?</p> <p>7 A. All company issued phones are 8 iPhones.</p> <p>9 Q. Okay.</p> <p>10 A. So that is a probability.</p> <p>11 Q. Okay. And then the next five 12 pages are slightly larger images of the 13 ones that are embedded in the e-mail. 14 First of the bridge and then four of the 15 barge, correct?</p> <p>16 A. That appears to be correct, 17 yes.</p> <p>18 Q. All right. So if we go back to 19 the first page and you see where it says 20 attachments.</p> <p>21 A. I do.</p> <p>22 Q. And it starts with IMG1731.JPG 23 and the iPhone protocol is, you know, 24 obviously given number to each photograph 25 as it's taken.</p>
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<p>1 tugmackenzierose@carvercompanies.com e-mail 2 address to send things or to send e-mails?</p> <p>3 A. I would rely on the testimony 4 of Brian and Lenny. However, my 5 understanding is the captain and mate on 6 watch during any hitch have access to that 7 e-mail.</p> <p>8 Q. Okay. So does Carver know who 9 actually sent these photographs from that 10 Tug Mackenzie Rose e-mail address?</p> <p>11 A. I would --</p> <p>12 MR. RODGERS: He is talking 13 about, yeah, from the tug.</p> <p>14 Q. Yeah, from the tug. It 15 says -- somebody's written, "Here are the 16 photos I took of the bridge and bow of the 17 barge June 15th after the allision with the 18 bridge." But...</p> <p>19 A. I mean, I can make an 20 assumption but it's not signed and this is 21 the first time I'm seeing this.</p> <p>22 MR. RODGERS: Don't guess.</p> <p>23 Q. Oh, you haven't seen this 24 before? Okay.</p> <p>25 MR. RODGERS: Don't guess.</p>	<p>1 Do you know what photographs or 2 what's depicted in the photographs that 3 would have been numbered IMG1732 through 4 1737 are?</p> <p>5 A. I do not.</p> <p>6 Q. And do you know if they were 7 ever requested internally since there 8 appears to be a gap of a few photographs?</p> <p>9 A. I would rely on the testimony 10 of Brian, Lenny and the documents in 11 evidence, but I'm not personally familiar 12 with that request, if any.</p> <p>13 Q. Does the Tug Mackenzie Rose 14 have any other e-mail address that is 15 like -- is there is a 16 mackenzierose2@carvercompanies, or some 17 other kind of e-mail handle that is 18 considered a -- I'll call it a, you know, 19 tug or official e-mail address?</p> <p>20 A. I would rely on the testimony 21 of Brian and Lenny, but I'm not aware of 22 any other e-mail address personally.</p> <p>23 Q. In the aftermath of the 24 incident, you know, say in June or July of 25 2024, did you read any of the statements</p>

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<p style="text-align: right;">Page 126</p> <p>1 that were submitted by the crew of the tug?</p> <p>2 A. I did not personally at that</p> <p>3 time, no.</p> <p>4 Q. Did anybody inform you of their</p> <p>5 contents?</p> <p>6 A. Brian updated me generally as</p> <p>7 to what was going on. I would assume part</p> <p>8 of that included updates related to the</p> <p>9 statements.</p> <p>10 Q. Did you understand that crew</p> <p>11 statements had been taken or obtained in</p> <p>12 some way?</p> <p>13 A. Yes.</p> <p>14 Q. Would you mark this as 15,</p> <p>15 please?</p> <p>16 (Whereupon, Exhibit 15 was</p> <p>17 marked for identification.)</p> <p>18 Q. You've been handed what's been</p> <p>19 marked as Exhibit 15, which is an e-mail</p> <p>20 sent June 16th, 2024 to Leonard Baldassare</p> <p>21 and Brian Moore. And in the -- it says</p> <p>22 it's sent from admin services but the</p> <p>23 e-mail address appears to be</p> <p>24 chris.miller63@hotmail.com.</p> <p>25 You see that?</p>	<p style="text-align: right;">Page 128</p> <p>1 take a look at each of these statements</p> <p>2 with me?</p> <p>3 A. Mm-hmm.</p> <p>4 Q. The first one is the chief</p> <p>5 engineer, Mr. McGrath who says, "Was in my</p> <p>6 room, felt abrupt stop," right?</p> <p>7 And then the next one is from one of the</p> <p>8 deckhands, Sharif Porter, "I was in bed</p> <p>9 sleeping, I felt the boat sliding. I</p> <p>10 thought we popped the push gear."</p> <p>11 And then the next one, the</p> <p>12 other deckhand, Jarkeis Morrissey, in</p> <p>13 the third sentence says, "I was in</p> <p>14 the galley cleaning up and put away</p> <p>15 the food when we hit something."</p> <p>16 Right.</p> <p>17 And then the last one</p> <p>18 Christopher Miller, the captain who</p> <p>19 says, "I, Christopher Miller, was in</p> <p>20 my bed resting when I felt a bump."</p> <p>21 If this information had been</p> <p>22 shared with you when it came in, what</p> <p>23 would it have lead you to do, if</p> <p>24 anything? Maybe nothing, but if</p> <p>25 anything.</p>
<p style="text-align: right;">Page 127</p> <p>1 A. I do.</p> <p>2 Q. Okay. So Chris Miller is one</p> <p>3 of the captains at Mackenzie Rose, right?</p> <p>4 A. Was.</p> <p>5 Q. Yes, correct. Was. So is</p> <p>6 chrismiller63@hotmail.com considered like</p> <p>7 an official or Carver Companies' e-mail</p> <p>8 that he is sending this from?</p> <p>9 A. It is not.</p> <p>10 Q. All right. There is no</p> <p>11 prohibition against him doing that though?</p> <p>12 He did it?</p> <p>13 A. He did.</p> <p>14 Q. All right. Okay. And did</p> <p>15 either Brian Moore or Leonard Baldassare</p> <p>16 share the content of these crew statements</p> <p>17 with you in and about the time they</p> <p>18 received them?</p> <p>19 A. No. Not that I recall.</p> <p>20 Q. Okay. I think you told us you</p> <p>21 didn't find out that there had been an</p> <p>22 incident until you received my letter on</p> <p>23 the 20th, correct?</p> <p>24 A. That is correct.</p> <p>25 Q. Okay. So if you could just</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. RODGERS: Objection. Calls</p> <p>2 for speculation.</p> <p>3 You can answer if you</p> <p>4 understand the question.</p> <p>5 A. Understanding the question and</p> <p>6 knowing what -- if this information was</p> <p>7 provided to me along with the information</p> <p>8 that I am aware was shared with Lenny at</p> <p>9 the time that there was an issue with the</p> <p>10 fendering or a tap as it said in this</p> <p>11 e-mail, I would make sure that Brian and</p> <p>12 Lenny conducted a full investigation to</p> <p>13 confirm the facts.</p> <p>14 Q. And it wasn't until after</p> <p>15 getting the letter from me that that</p> <p>16 started?</p> <p>17 MR. RODGERS: Objection. That</p> <p>18 he did that or?</p> <p>19 MR. CHAPMAN: Yeah. I'm just</p> <p>20 asking.</p> <p>21 MR. RODGERS: Or that or Lenny</p> <p>22 and Brian Moore doing an</p> <p>23 investigation. Those two different</p> <p>24 things?</p> <p>25 MR. CHAPMAN: Yeah.</p>

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<p>1 A. You're asking me when I did 2 what I just described or when I became 3 aware of it. What is the question? 4 Q. The investigation. 5 A. Mm-hmm. 6 Q. Was there an investigation 7 initiated before your receiving of my 8 letter on June 20th? 9 MR. RODGERS: Objection of form 10 on the term investigation. 11 If you understand the question, 12 you can answer. 13 A. I would rely specifically on 14 the testimony of Brian and Lenny and all 15 the documents provided through discovery. 16 But my understanding is that they were 17 reviewing what had happened. 18 Q. Yeah. Can you give us any more 19 detail on what you mean by reviewing what 20 happened? 21 A. I cannot because I wasn't aware 22 of it at the time. 23 Q. Just to be sure, you haven't 24 actually read their testimony, you've only 25 read --</p>	<p>1 transcript or just read a summary? 2 MR. RODGERS: Objection. Don't 3 answer that. 4 MR. CHAPMAN: So you're 5 instructing the client -- 6 MR. NANAVALI: You're saying 7 that he can't answer what he did to 8 prepare for a deposition -- 9 MR. RODGERS: Who's this? 10 Who's speaking? 11 MR. NANAVALI: Mark Nanavati. 12 MR. RODGERS: Okay. Well, you 13 can't do the tag team thing. If you 14 want to ask questions on Evanston's 15 account, then you can do that when 16 Mr. Chapman is completed. 17 MR. NANAVALI: I'm not asking 18 questions. I'm challenging your 19 objections which are without merit. 20 MR. RODGERS: Okay. Well, good 21 for you but that's not going to 22 happen because we are not doing tag 23 team. 24 My objection is 25 you -- is -- and I'll repeat it,</p>
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<p>1 MR. RODGERS: Objection. 2 Objection. You're getting into 3 preparation. 4 And by the way, just for the 5 record, these statements, whatever 6 they mean, are dated June 15th, and 7 have a certain time on it. So 8 obviously there was some -- there 9 were -- that the employees were being 10 asked by somebody to write down a 11 statement. So when you say there was 12 no investigation, I take issue with 13 that. 14 MR. CHAPMAN: Are you done with 15 your speaking objection? 16 MR. RODGERS: Well, I'm, you 17 know, just straightening up the 18 record. 19 A. Can you repeat the question? 20 Q. I can't even remember the 21 question. 22 A. Me either. 23 MR. RODGERS: Me either. 24 MR. NANAVALI: The question 25 was, did you actually read the</p>	<p>1 you're asking for attorney-client 2 privilege information. He's already 3 answered that he read summaries. Not 4 you, Mark. I'm talking to Jim. 5 Q. And all I'm trying to do is be 6 clear. The only thing you read was 7 summaries. You didn't actually read the 8 testimony of either Baldassare or Moore, 9 correct? 10 MR. RODGERS: Objection. He's 11 told you what he did. He is not 12 going to tell you what he didn't do 13 and we are not going there. So I'm 14 going to tell him not answer -- and 15 excuse me, I'm going to direct the 16 witness not to answer based on 17 attorney-client privilege and 18 preparation for this deposition. 19 Q. Do you know what an incident 20 report is in the Helm CONNECT system? 21 A. I understand the gist of what 22 it is. 23 Q. Okay. Tell us what you 24 understand it to be? 25 A. An incident report is a</p>

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<p>1 document filled out by crew when an</p> <p>2 incident or near miss or other event</p> <p>3 happens in the Helm CONNECT system which is</p> <p>4 our SMS.</p> <p>5 Q. And are there any notifications</p> <p>6 to management when an incident report is</p> <p>7 filled out in the Helm CONNECT system?</p> <p>8 MR. RODGERS: I'm sorry, could</p> <p>9 you repeat that? I missed it.</p> <p>10 Q. I said -- I asked, are there</p> <p>11 any notifications to management when an</p> <p>12 incident report is filled out in the Helm</p> <p>13 CONNECT system?</p> <p>14 A. Management meaning CMT</p> <p>15 management or company management?</p> <p>16 Q. I don't know if there -- I</p> <p>17 don't understand on how you distinguish</p> <p>18 them. I'm basically asking would like</p> <p>19 Mr. Moore or Mr. Baldassare or somebody</p> <p>20 else in the management of the towing</p> <p>21 business get a notification?</p> <p>22 A. I would rely on the testimony</p> <p>23 of Mr. Moore and Lenny as to whether or not</p> <p>24 they receive notifications regarding</p> <p>25 incident reports from Helm. I do not</p>	<p>1 more specific because there's Coast</p> <p>2 Guard reports? There's internal</p> <p>3 reports.</p> <p>4 Q. I'm asking about -- that's a</p> <p>5 good question. I'm asking about the</p> <p>6 incident report in the Helm CONNECT system</p> <p>7 for this bridge allision.</p> <p>8 A. I don't specifically recall if</p> <p>9 that was something that I reviewed as part</p> <p>10 of my preparation for this deposition, and</p> <p>11 I don't recall having seen anything in the</p> <p>12 months after the event.</p> <p>13 Q. Do you know if there is an</p> <p>14 incident report in the Helm CONNECT system</p> <p>15 for the bridge allision?</p> <p>16 A. I would rely on Brian and</p> <p>17 Lenny's testimony and what we've submitted</p> <p>18 through our discovery process. I'm not</p> <p>19 specifically aware if there is one</p> <p>20 personally.</p> <p>21 Q. Can you mark that as 17,</p> <p>22 please?</p> <p>23 (Whereupon, Exhibit 17 was</p> <p>24 marked for identification.)</p> <p>25 Q. Mr. Laraway, you've been handed</p>
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<p>1 receive incident reports from Helm.</p> <p>2 Q. Yeah, no, I get that. But I'm</p> <p>3 just asking what your understanding is.</p> <p>4 Are they supposed to get a report, not</p> <p>5 whether they actually did?</p> <p>6 A. I'm not certain how the</p> <p>7 interworkings of Helm work as it relates to</p> <p>8 incident reporting notification.</p> <p>9 Q. Can we mark that as 16 now?</p> <p>10 (Whereupon, Exhibit 16 was</p> <p>11 marked for identification.)</p> <p>12 Q. You've been passed Exhibit 16,</p> <p>13 which appears to be an e-mail on June 28th</p> <p>14 from the Tug Mackenzie Rose to Brian Moore</p> <p>15 with a subject line, "I've finished the</p> <p>16 incident report 6,15/24."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. I'll represent to you that</p> <p>20 there is nothing attached to this e-mail in</p> <p>21 the way it was produced to us which is</p> <p>22 Carver ESI000541.</p> <p>23 Have you ever seen an incident</p> <p>24 report for the bridge allision?</p> <p>25 MR. RODGERS: Just could you be</p>	<p>1 a document marked as Exhibit 17, which</p> <p>2 appears to be an e-mail from the Tug</p> <p>3 Mackenzie Rose, on June 24th, 2024, to</p> <p>4 Brian Moore and Leonard Baldassare. The</p> <p>5 subject of which is "Helm log, June 15, RR</p> <p>6 incident."</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. This one actually references an</p> <p>10 attachment and based on the way that it was</p> <p>11 produced by Carver, I believe that the</p> <p>12 following four pages are the attachment.</p> <p>13 But it's marked Carver ESI000527 through</p> <p>14 531.</p> <p>15 And since it came from the Tug</p> <p>16 Mackenzie Rose e-mail, there's -- is there</p> <p>17 any way to determine who actually sent it?</p> <p>18 A. I'm not aware of how we could</p> <p>19 determine the specific individual, no.</p> <p>20 Q. Okay. If you look at the</p> <p>21 attachment on the first page, 528. On the</p> <p>22 second line it says "Entry type incident."</p> <p>23 And you can't read it all but it looks like</p> <p>24 something was logged at 1630 hours on June</p> <p>25 15th, 2024, by Christopher (Chris) at</p>

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<p>1 Norfolk, Virginia with a description. You</p> <p>2 see that?</p> <p>3 A. I see it.</p> <p>4 Q. All right. And the description</p> <p>5 says, "Mate James Morrissey reports the</p> <p>6 autopilot was not completely turned off as</p> <p>7 he was able to correct and switch back over</p> <p>8 to hand steering and began backing on the</p> <p>9 Weeks 281 barge and maneuvered the barge</p> <p>10 alongside fendering on the north and PBL RR</p> <p>11 bridge. Photo taken, proceeds slowly away</p> <p>12 from bridge."</p> <p>13 In the aftermath of the</p> <p>14 allision, saying that month or so following</p> <p>15 June 15th, did you learn that the autopilot</p> <p>16 had been used while they were making this</p> <p>17 wedge in the vicinity of the bridge?</p> <p>18 MR. RODGERS: Objection.</p> <p>19 A. I do not recall when I became</p> <p>20 aware of the use of autopilot as it related</p> <p>21 to this incident.</p> <p>22 Q. Okay. Do you have an</p> <p>23 understanding what he -- it is meant by the</p> <p>24 autopilot was not completely turned off?</p> <p>25 A. I would rely on the testimony</p>	<p>1 documents we've produced.</p> <p>2 Q. What is Carver's understanding</p> <p>3 of the reason the tug and barge allided</p> <p>4 with the bridge?</p> <p>5 MR. RODGERS: Just what is</p> <p>6 Carver's understanding?</p> <p>7 MR. CHAPMAN: Yeah.</p> <p>8 MR. RODGERS: At that time or</p> <p>9 now.</p> <p>10 Q. You can give me both?</p> <p>11 MR. RODGERS: No. He can</p> <p>12 testify as to what his understanding was at</p> <p>13 the time he learned of it and what his</p> <p>14 understanding is now, if you understand</p> <p>15 that.</p> <p>16 Why don't you ask him</p> <p>17 separately, Jim, so we keep it simple?</p> <p>18 MR. CHAPMAN: So I don't think</p> <p>19 I have to but I'll humor you, Mr. Rodgers.</p> <p>20 MR. RODGERS: Well, just to add</p> <p>21 another objection. It was asked and</p> <p>22 answered about two hours ago, but</p> <p>23 again, just split up the question.</p> <p>24 It would be easier for the witness to</p> <p>25 understand.</p>
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<p>1 of Brian and Lenny and Mate Morrissey</p> <p>2 eventually and the documents we've</p> <p>3 provided, I don't.</p> <p>4 Q. To your knowledge, is there</p> <p>5 some way that an autopilot can be somehow</p> <p>6 not completely turned off?</p> <p>7 MR. RODGERS: Objection. He's</p> <p>8 already testified he is not a</p> <p>9 mariner, and he's also not here as an</p> <p>10 expert.</p> <p>11 You can answer if you have an</p> <p>12 answer.</p> <p>13 A. I'd rely on the testimony of</p> <p>14 Brian, Lenny, and the mate, and the</p> <p>15 documents in evidence. I have no knowledge</p> <p>16 of how an autopilot system works.</p> <p>17 Q. Do you know whether this</p> <p>18 document that we are looking at right now,</p> <p>19 this PDF printout that's attached to the</p> <p>20 e-mail marked Exhibit 17, is in fact</p> <p>21 incident report in the Helm CONNECT system</p> <p>22 for the bridge allision?</p> <p>23 A. I do not know if it is in the</p> <p>24 Helm CONNECT system. I would rely on the</p> <p>25 testimony of Brian, Lenny, and the</p>	<p>1 Q. So question one, what is</p> <p>2 Carver's understanding of the reason that</p> <p>3 tug and barge allided with the bridge?</p> <p>4 A. My understanding?</p> <p>5 Q. No, Carver's.</p> <p>6 MR. RODGERS: Objection to the</p> <p>7 form. If you don't understand the</p> <p>8 question, then you don't -- then</p> <p>9 don't answer it.</p> <p>10 A. Can you rephrase the question?</p> <p>11 Q. I don't think so. What is it</p> <p>12 that you don't understand about the</p> <p>13 question?</p> <p>14 MR. RODGERS: Objection.</p> <p>15 Don't answer that.</p> <p>16 Jim, what are you doing here?</p> <p>17 MR. CHAPMAN: I'm trying to</p> <p>18 clarify for him. You're the one that's</p> <p>19 made the objection.</p> <p>20 MR. RODGERS: No. No. No. He</p> <p>21 and I have both asked you to split it up.</p> <p>22 You're asking Carver. You are not saying</p> <p>23 then or now. So I -- it's -- just rephrase</p> <p>24 it or withdraw the question.</p> <p>25 Q. So I'm using present tense.</p>

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<p>1 What is Carver's understanding or the</p> <p>2 reason the tug and barge allided with the</p> <p>3 bridge?</p> <p>4 MR. RODGERS: Object -- same</p> <p>5 objection.</p> <p>6 Do you understand the question.</p> <p>7 A. I did. The company's</p> <p>8 understanding of what happened when the tug</p> <p>9 allided with the bridge was that originally</p> <p>10 Morrissey stated that he got in with the</p> <p>11 fenders, later amended the story multiple</p> <p>12 times. Finally, during -- based on my</p> <p>13 understanding, during conversations with</p> <p>14 the Coast Guard, he stated that he got in</p> <p>15 and hit the bridge while he was piloting</p> <p>16 the vessel.</p> <p>17 Q. And did -- he was using the</p> <p>18 autopilot to pilot the vessel?</p> <p>19 A. I would rely on other people's</p> <p>20 testimony to that. I'm not specifically</p> <p>21 sure.</p> <p>22 MR. RODGERS: And objection to</p> <p>23 the extent as the document speaks for</p> <p>24 itself that you've shown the witness, which</p> <p>25 is and in some kind of an incident log that</p>	<p>1 evidence. But I'm aware -- unaware of any</p> <p>2 damage to the tug as a result of the</p> <p>3 allision to the bridge.</p> <p>4 Q. Was there any damage to the</p> <p>5 barge as a result of alliding with the</p> <p>6 bridge?</p> <p>7 A. I would repeat that answer as</p> <p>8 it relates to the barge. There was</p> <p>9 potentially some superficial damage but no</p> <p>10 noticeable damage that we were made aware</p> <p>11 of previously or subsequently that I'm</p> <p>12 aware of.</p> <p>13 Q. Did Weeks Marine make any claim</p> <p>14 against the company on account of damage to</p> <p>15 its barge?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. Okay. Can you mark that as 18,</p> <p>18 please?</p> <p>19 Thank you.</p> <p>20 (Whereupon, Exhibit 18 was</p> <p>21 marked for identification.)</p> <p>22 Q. Mr. Laraway, you've been handed</p> <p>23 what's been marked as Exhibit 18, an e-mail</p> <p>24 sent June 24th, 2024 from Brian Moore to a</p> <p>25 number of people.</p>
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<p>1 says, "Mate James Morrissey reports the</p> <p>2 autopilot was not completely turned off.</p> <p>3 He was able to correct and switch back over</p> <p>4 to hand steering and began backing on the</p> <p>5 Weeks 281 barge," et cetera, et cetera.</p> <p>6 So that's the document in front</p> <p>7 of him and you are asking him to guess at</p> <p>8 something when the document says what it</p> <p>9 says.</p> <p>10 Q. Is there anything else to add</p> <p>11 to your answer?</p> <p>12 A. I mean the Coast Guard</p> <p>13 investigation has not been completed. So</p> <p>14 we have an understanding of what we believe</p> <p>15 happened, but we do not have the final</p> <p>16 incident report or investigative report</p> <p>17 from the Coast Guard.</p> <p>18 Q. There wasn't anybody else at</p> <p>19 the Helm at the time of the allision other</p> <p>20 than Captain James Morrissey, correct?</p> <p>21 A. That is my understanding.</p> <p>22 Q. Was there any damage to the tug</p> <p>23 as a result of alliding with the bridge?</p> <p>24 A. I would rely on the testimony</p> <p>25 of Brian, Lenny, and the information in</p>	<p>1 You've told us who Thomas</p> <p>2 Feeney is, Lenny Baldassare, Jason Galieto.</p> <p>3 Who is Dylan Galm?</p> <p>4 A. He's our salesman.</p> <p>5 Q. You referred to him previously</p> <p>6 I think in another answer.</p> <p>7 A. I did.</p> <p>8 Q. And who is Melissa Kool?</p> <p>9 A. She was the financial</p> <p>10 controller for this business unit for a</p> <p>11 brief period of time including the June of</p> <p>12 last year.</p> <p>13 Q. Does she still work for the</p> <p>14 company?</p> <p>15 A. She does, just not in that</p> <p>16 role.</p> <p>17 Q. You've told us who the CMT</p> <p>18 dispatch is.</p> <p>19 In Mr. Moore's e-mail, the</p> <p>20 second dark bullet, you see it there? It</p> <p>21 says, "In the past we were charging one way</p> <p>22 and now we are charging each way from JC to</p> <p>23 PN."</p> <p>24 Did I read that correctly?</p> <p>25 A. You did read that correctly.</p>

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<p>1 Q. Do you know what JC or PN are?</p> <p>2 A. I do not.</p> <p>3 Q. And then it says, "Note light</p> <p>4 tug in invoice." Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Does this somehow relate to</p> <p>7 getting paid for work that Carver Marine</p> <p>8 Towing is doing with its tugs?</p> <p>9 A. I would rely on Brian's</p> <p>10 testimony and the evidence that we have</p> <p>11 provided. I'm -- I would be guessing.</p> <p>12 Q. So the second to last</p> <p>13 bullet -- dark bullet that begins with</p> <p>14 "Logs are awful."</p> <p>15 There is two bullets underneath</p> <p>16 it. One says, "Resend the logs." The</p> <p>17 second one says, "Resend the logs standards</p> <p>18 and show what needs to be entered."</p> <p>19 Do you know what the log</p> <p>20 standards are?</p> <p>21 A. I personally do not.</p> <p>22 Q. Do you have any information</p> <p>23 about when they may have been sent</p> <p>24 previously by, I guess, somebody, the crew?</p> <p>25 A. I would rely on Brian's</p>	<p>1 I believe is the attachment, which is a</p> <p>2 printout of the spreadsheet. It ends in</p> <p>3 Carver ESI000037.</p> <p>4 If you turn to the second page,</p> <p>5 which is the beginning of the spreadsheet.</p> <p>6 Have you ever seen this before?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Okay. On it, I just want to</p> <p>9 direct your attention to three entries on</p> <p>10 Page 1. There's one on February 28, one on</p> <p>11 April 1st, and another one on May 3rd</p> <p>12 involving the Mackenzie Rose.</p> <p>13 You see those?</p> <p>14 A. I do.</p> <p>15 Q. First one says, "Equipment</p> <p>16 issue" and the other two say, "Navigation</p> <p>17 equipment."</p> <p>18 A. Yes.</p> <p>19 Q. It's a little hard to follow,</p> <p>20 but it looks like the second page. When</p> <p>21 it's printed out is just sort of whatever</p> <p>22 was in the next column.</p> <p>23 If you were to look at it in an</p> <p>24 Excel spreadsheet, I think it would kind of</p> <p>25 all line up. But the -- you don't have any</p>
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<p>1 testimony and the evidence we provided or</p> <p>2 the documents we've provided.</p> <p>3 I don't know what they are to</p> <p>4 surmise when they may have been previously</p> <p>5 provided.</p> <p>6 Q. Okay.</p> <p>7 MR. CHAPMAN: Can you mark that</p> <p>8 as 19, please?</p> <p>9 THE REPORTER: 19 or --</p> <p>10 Q. I think we're on 19.</p> <p>11 THE REPORTER: 19.</p> <p>12 A. Okay.</p> <p>13 (Whereupon, Exhibit 19 was</p> <p>14 marked for identification.)</p> <p>15 Q. Mr. Laraway, you've been handed</p> <p>16 a document marked Exhibit 19, which is an</p> <p>17 e-mail sent July 7 -- excuse me, July 19th,</p> <p>18 2024 from Jason Galioto to Brian Moore,</p> <p>19 with an attachment in the form of, it looks</p> <p>20 like an Excel spreadsheet titled "Near</p> <p>21 Miss-Incidents, JHA."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Okay. There -- this begins</p> <p>25 with Carver ESI000020, and with the -- what</p>	<p>1 memory of seeing this spreadsheet at any</p> <p>2 time before today?</p> <p>3 A. I mean, it may have been</p> <p>4 in -- it definitely was in all of the</p> <p>5 documents, but I don't recall having</p> <p>6 reviewed this.</p> <p>7 Q. Okay. If you look at the</p> <p>8 February 28 entry for the Mackenzie Rose,</p> <p>9 where it says, "Equipment issue," on the</p> <p>10 following Page 22.</p> <p>11 It says, "Autopilot failure</p> <p>12 that if had gone overlooked may have</p> <p>13 resulted in a navigation incident."</p> <p>14 Do you see that?</p> <p>15 A. I see that.</p> <p>16 Q. And the one on April 1st for</p> <p>17 the Mackenzie Rose, almost in about the</p> <p>18 middle of the second page it says, "SAT</p> <p>19 compass failed causing erratic inputs in</p> <p>20 the autopilot texts sent to</p> <p>21 nav -- investigate."</p> <p>22 Do you see that?</p> <p>23 A. I see that.</p> <p>24 MR. RODGERS:</p> <p>25 Just -- objection. Just the -- whether we</p>

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<p>1 produced it this way or whatever.</p> <p>2 MR. CHAPMAN: It's the way it</p> <p>3 prints out. I mean, I --</p> <p>4 MR. RODGERS: Okay.</p> <p>5 MR. CHAPMAN: -- well, I can't</p> <p>6 control that --</p> <p>7 MR. RODGERS: It's not lined</p> <p>8 up, so we're just --</p> <p>9 MR. CHAPMAN: I get it. It's</p> <p>10 not easy --</p> <p>11 MR. RODGERS: I just want to</p> <p>12 make that --</p> <p>13 MR. CHAPMAN: We're navigating</p> <p>14 our way through it.</p> <p>15 MR. RODGERS: Very good.</p> <p>16 Q. So here's my question. Where</p> <p>17 it says, "Text sent to investigate," what</p> <p>18 was investigated?</p> <p>19 A. I mean, I would rely on the</p> <p>20 testimony of Brian and Lenny and the other</p> <p>21 members of the crew that had any knowledge</p> <p>22 in the documents we produced.</p> <p>23 I would have to make an</p> <p>24 assumption based upon what I'm reading here</p> <p>25 to say exactly what's on --</p>	<p>1 answered, so just continue, please.</p> <p>2 Q. So the one on May 3rd, okay,</p> <p>3 for the Mackenzie Rose, it says,</p> <p>4 "Navigation equipment."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 MR. RODGERS: Again, I'm going</p> <p>8 to object, because this incident is</p> <p>9 in Helm CONNECT and you have other</p> <p>10 documents which are more specific.</p> <p>11 Ask your question.</p> <p>12 Q. And it appears that the line</p> <p>13 related to that on the following page says,</p> <p>14 "Rudder went hard over," and so it says.</p> <p>15 Do you have any information</p> <p>16 about that?</p> <p>17 A. I would have to rely on the</p> <p>18 testimony of others, Brian and Lenny and</p> <p>19 the crew and the documents produced.</p> <p>20 Q. And do you know whether any</p> <p>21 techs, technicians were charged with</p> <p>22 investigating that one?</p> <p>23 A. That one specifically, I would</p> <p>24 rely on the testimony of Brian and Lenny,</p> <p>25 the others and the documents we've</p>
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<p>1 MR. RODGERS: Don't assume --</p> <p>2 A. -- I'm not going to do that.</p> <p>3 MR. RODGERS: Yeah, don't</p> <p>4 assume or guess.</p> <p>5 Q. So that I'm -- so basically you</p> <p>6 don't know and you would depend on whatever</p> <p>7 others have said or what documents have</p> <p>8 been produced about it; is that fair?</p> <p>9 A. Correct.</p> <p>10 MR. RODGERS: Objection.</p> <p>11 Q. All right, and then the --</p> <p>12 MR. RODGERS: Object. I am not</p> <p>13 done.</p> <p>14 MR. CHAPMAN: I apologize. I</p> <p>15 thought you were.</p> <p>16 MR. RODGERS: You have the</p> <p>17 documents that relate to those texts</p> <p>18 and you've questioned people on them.</p> <p>19 So if you want to put those in</p> <p>20 front of him, you can ask questions,</p> <p>21 but this is -- you're -- this is not</p> <p>22 specific and you're asking him to</p> <p>23 guess --</p> <p>24 MR. CHAPMAN: Well --</p> <p>25 MR. RODGERS: -- but he's</p>	<p>1 produced.</p> <p>2 I do not specifically have</p> <p>3 knowledge as to what any techs may or may</p> <p>4 not have investigated.</p> <p>5 Q. So back to Page 1 of Exhibit</p> <p>6 19, the e-mail itself?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Under the caption or heading</p> <p>9 called, "Incident reports." It says that</p> <p>10 there were so many in first quarter, so</p> <p>11 many in second quarter and then year to</p> <p>12 date.</p> <p>13 And then right after that</p> <p>14 there's a dated entry May 21, 2024. It</p> <p>15 says, "The Mackenzie Rose filed one for the</p> <p>16 autopilot inducing a hard turn to port."</p> <p>17 Do you see that?</p> <p>18 A. I do see that.</p> <p>19 Q. That one for some reason's not</p> <p>20 listed on this spreadsheet that we're</p> <p>21 looking at, Page 2.</p> <p>22 But my question is, do you know</p> <p>23 whether there was any investigation</p> <p>24 regarding that report of the autopilot</p> <p>25 inducing a hard turn to port?</p>

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<p>1 MR. RODGERS: What date was</p> <p>2 that?</p> <p>3 MR. CHAPMAN: May 21, 2024.</p> <p>4 A. I would've to rely on the</p> <p>5 testimony of Brian and Lenny and the</p> <p>6 documents we've provided.</p> <p>7 I don't have any knowledge of</p> <p>8 any investigation.</p> <p>9 Q. Okay. And then the next entry</p> <p>10 on Page 1 of Exhibit 19, it's dated</p> <p>11 6/15/24.</p> <p>12 It says Mackenzie Rose bridge</p> <p>13 incident which as everyone knows is under</p> <p>14 legal review.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. Was there any</p> <p>18 investigation by technicians or otherwise</p> <p>19 of the autopilot in the aftermath of -- or</p> <p>20 the steering system, either one, in the</p> <p>21 aftermath of --</p> <p>22 MR. RODGERS: Objection to</p> <p>23 form.</p> <p>24 Q. -- the allision with the</p> <p>25 bridge?</p>	<p>1 there was any effort to investigate the</p> <p>2 autopilot in the aftermath of the allision</p> <p>3 with the bridge?</p> <p>4 MR. RODGERS: Objection.</p> <p>5 Immediately after the reporting to</p> <p>6 the Coast Guard, the Coast Guard</p> <p>7 conducted an investigation.</p> <p>8 They investigated every aspect</p> <p>9 of this, which you were aware of</p> <p>10 because you were there at the</p> <p>11 hearings or the interviews. And</p> <p>12 that's who did the investigation.</p> <p>13 You are asking if they did</p> <p>14 their own investigation when the</p> <p>15 Coast Guard was investigating it?</p> <p>16 MR. CHAPMAN: That's exactly</p> <p>17 what I'm asking.</p> <p>18 MR. RODGERS: At the same time?</p> <p>19 MR. CHAPMAN: That's exactly</p> <p>20 what I'm asking.</p> <p>21 MR. RODGERS: Okay.</p> <p>22 A. And my answer would remain the</p> <p>23 same. Brian and Lenny were conducting the</p> <p>24 investigation in conjunction with the Coast</p> <p>25 Guard.</p>
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<p>1 MR. RODGERS: You can answer.</p> <p>2 A. I would have to rely on the</p> <p>3 testimony of Brian and Lenny and the</p> <p>4 documents provided.</p> <p>5 I do not -- I'm not</p> <p>6 specifically aware of any autopilot</p> <p>7 investigation.</p> <p>8 Q. And did you do anything to</p> <p>9 determine that? I mean --</p> <p>10 MR. RODGERS: Objection.</p> <p>11 Q. -- I hear what you've said you</p> <p>12 would rely on others --</p> <p>13 MR. CHAPMAN: Let me finish</p> <p>14 my -- -</p> <p>15 MR. RODGERS: No I --</p> <p>16 MR. CHAPMAN: No, let me finish</p> <p>17 my question and you can object.</p> <p>18 MR. RODGERS: Okay, finish the</p> <p>19 question.</p> <p>20 Q. My -- I heard what you said</p> <p>21 that you would rely on the testimony of</p> <p>22 Brian and Lenny and documents that have</p> <p>23 been produced.</p> <p>24 But I'm just asking, did you do</p> <p>25 anything to specifically determine whether</p>	<p>1 I would rely on their testimony</p> <p>2 as to the process and results of the</p> <p>3 investigation and the documents in</p> <p>4 evidence.</p> <p>5 I am not personally involved</p> <p>6 with any investigation regarding the</p> <p>7 autopilot.</p> <p>8 Q. So including whether there were</p> <p>9 any technicians engaged to come and check</p> <p>10 it out?</p> <p>11 A. Correct.</p> <p>12 Q. So if -- just continuing to</p> <p>13 look at Exhibit 19, a little further down</p> <p>14 beginning on Page 25, that is the Carver</p> <p>15 ESI000025.</p> <p>16 Do you have that?</p> <p>17 A. I do.</p> <p>18 Q. So that's a -- appears to be</p> <p>19 another spreadsheet that's been printed out</p> <p>20 and produced this way, but there's a</p> <p>21 reference to May 21, 2024, Mackenzie Rose</p> <p>22 in the navigation category.</p> <p>23 And then if you turn to the</p> <p>24 next page, where you think the spreadsheet</p> <p>25 extends out, it says, "Autopilot put boat</p>

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<p>1 in hard left turn."</p> <p>2 Is that right?</p> <p>3 A. I see that.</p> <p>4 Q. And whether there was any</p> <p>5 investigation by technicians or otherwise</p> <p>6 of that, do you have any knowledge?</p> <p>7 A. I would rely on the testimony</p> <p>8 of Brian and Lenny on that front.</p> <p>9 I do not have specific</p> <p>10 firsthand knowledge as to if that specific</p> <p>11 thing was reviewed --</p> <p>12 Q. Okay.</p> <p>13 A. -- without -- off the top of my</p> <p>14 head.</p> <p>15 Q. Okay. Let me pass over to you</p> <p>16 what was marked as Exhibit 6 at Mr. Moore's</p> <p>17 deposition.</p> <p>18 MR. CHAPMAN: I'm sorry, I</p> <p>19 don't have one for you, Mr. Rodgers.</p> <p>20 Q. But I believe this is about</p> <p>21 five days of daily logs for the Mackenzie</p> <p>22 Rose, beginning three days before the</p> <p>23 bridge allision, the day of the bridge</p> <p>24 allision and then the day following,</p> <p>25 essentially June 12th to June 16th, 2024.</p>	<p>1 MR. RODGERS: Are you telling</p> <p>2 him that or?</p> <p>3 MR. CHAPMAN: No. I'm just</p> <p>4 asking if he's aware of it.</p> <p>5 A. I'm not specifically aware of</p> <p>6 that sequence.</p> <p>7 Q. Okay. Is there a different</p> <p>8 sequence that you're aware of or --</p> <p>9 A. No. I'm just not aware of the</p> <p>10 specific days leading up to the incident.</p> <p>11 Q. Okay. So I'm just interested</p> <p>12 in what repairs, you know, were made to the</p> <p>13 vessel.</p> <p>14 So out of curiosity, we sent a</p> <p>15 subpoena to the General Ship Repair</p> <p>16 Corporation in Baltimore.</p> <p>17 MR. RODGERS: Did you produce</p> <p>18 these to us?</p> <p>19 MR. CHAPMAN: Yep, mm-hmm.</p> <p>20 Sure did.</p> <p>21 And that's 21?</p> <p>22 THE REPORTER: I believe it is</p> <p>23 20.</p> <p>24 MR. CHAPMAN: Okay.</p> <p>25 MR. RODGERS: Is that 20?</p>
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<p>1 You see that?</p> <p>2 A. I do.</p> <p>3 Q. All right. Have you seen these</p> <p>4 before today?</p> <p>5 A. I may have seen them during my</p> <p>6 review and preparation for my deposition.</p> <p>7 Q. All right. So on June 12th,</p> <p>8 2024 the vessel was apparently at a</p> <p>9 shipyard in Baltimore standing by for</p> <p>10 repairs.</p> <p>11 You see that?</p> <p>12 A. That is what that says, yes.</p> <p>13 Q. Do you know the purpose of</p> <p>14 those repairs?</p> <p>15 A. I would have to rely on the</p> <p>16 testimony of Brian and Lenny. I do</p> <p>17 not -- and the crew.</p> <p>18 Q. So are you aware that the</p> <p>19 vessel had taken the barge, the Weeks 281,</p> <p>20 dropped it off and, the City of Chesapeake</p> <p>21 on the Southern Branch of the Elizabeth</p> <p>22 River, and then had gone up to Baltimore to</p> <p>23 have some repairs, where it stayed for few</p> <p>24 days before returning to the Norfolk to</p> <p>25 pick up the barge?</p>	<p>1 MR. CHAPMAN: 20.</p> <p>2 (Whereupon, Exhibit 20 was</p> <p>3 marked for identification.)</p> <p>4 Q. You've been handed Exhibit 20,</p> <p>5 which is a invoice that was produced</p> <p>6 pursuant to a subpoena by the General Ship</p> <p>7 Repair Corporation, dated June 14th, 2024,</p> <p>8 to Tug Mackenzie Rose and Carver Companies.</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. And it says on it that there</p> <p>12 two items that are being invoiced. The</p> <p>13 first is, "To prepare and weld to keeper</p> <p>14 plate onto the port rudder post."</p> <p>15 See that?</p> <p>16 A. I do.</p> <p>17 Q. Do you know what the reason or</p> <p>18 the need for that repair was?</p> <p>19 A. I would rely on the testimony</p> <p>20 of Brian, Lenny, the crew, and the</p> <p>21 documents we have produced.</p> <p>22 I personally don't even know</p> <p>23 what a keeper plate is, so I cannot attest</p> <p>24 to that.</p> <p>25 Q. Okay. And then second -- the</p>

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<p>1 second item there is, "Provides straps to</p> <p>2 secure STBD," which I presume to be an</p> <p>3 abbreviation for starboard-side fender for</p> <p>4 transit.</p> <p>5 Do you know what the purpose of</p> <p>6 that repair was?</p> <p>7 A. I would reiterate the same</p> <p>8 answer. I would rely on the testimony of</p> <p>9 Brian, Lenny, the crew and the documents</p> <p>10 we've provided.</p> <p>11 I don't know why they would do</p> <p>12 that.</p> <p>13 Q. And do you know any reason for</p> <p>14 why these repairs would be done in</p> <p>15 Baltimore?</p> <p>16 A. I would rely on the testimony</p> <p>17 of Brian and Lenny. I don't.</p> <p>18 Q. Can you hand me Exhibit 6 back</p> <p>19 so I don't lose track of it, please?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Thank you.</p> <p>22 MR. CHAPMAN: We've been going</p> <p>23 a little bit over an hour. Why don't</p> <p>24 we take a short break and come back?</p> <p>25 THE VIDEOGRAPHER: We are going</p>	<p>1 vessels.</p> <p>2 Q. Okay. Have you ever seen any</p> <p>3 information that was extracted from the AIS</p> <p>4 system pertaining to the allision with the</p> <p>5 Belt Line's Bridge?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Did the Mackenzie Rose have a</p> <p>8 working radar system at the time of the</p> <p>9 allision with the bridge?</p> <p>10 A. I would have to rely on the</p> <p>11 testimony of Brian, Lenny, the other</p> <p>12 members of the crew and the documents we've</p> <p>13 produced.</p> <p>14 Q. So just to be clear, you don't</p> <p>15 know and you presume that they do, right?</p> <p>16 MR. RODGERS: Objection to</p> <p>17 form.</p> <p>18 A. Correct.</p> <p>19 MR. CHAPMAN: Could you mark</p> <p>20 this as 21?</p> <p>21 A. Thank you.</p> <p>22 (Whereupon, Exhibit 21 was</p> <p>23 marked for identification.)</p> <p>24 Q. You've been handed a document</p> <p>25 marked as Exhibit 21, which is a</p>
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<p>1 off the record. The time is</p> <p>2 3:03 p.m.</p> <p>3 (Whereupon, a short recess was</p> <p>4 taken.)</p> <p>5 THE VIDEOGRAPHER: Beginning</p> <p>6 Media Number 6. We are back on the</p> <p>7 record. The time is 3:17 p.m.</p> <p>8 Q. Mr. Laraway, I have a few</p> <p>9 questions about the condition of the</p> <p>10 vessel.</p> <p>11 It was equipped with what's</p> <p>12 referred to as AIS, an automated kind of</p> <p>13 tracking system; is that right?</p> <p>14 MR. RODGERS: You're telling</p> <p>15 him or asking him?</p> <p>16 MR. CHAPMAN: I'm just -- well,</p> <p>17 I'm asking him to confirm it because</p> <p>18 I know that it was, but yeah.</p> <p>19 A. That is my understanding.</p> <p>20 Q. Okay. So and is AIS or the</p> <p>21 automated tracking system used on all of</p> <p>22 the Carver vessels, to your knowledge?</p> <p>23 A. I would have to rely on the</p> <p>24 testimony of Brian or Lenny. I don't know</p> <p>25 specifically that it's on all of our</p>	<p>1 declaration of Josef Malik. Am I</p> <p>2 pronouncing the last name correctly, sir?</p> <p>3 Which is dated on June 9th, 2025, as</p> <p>4 reflected on Page 3.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. All right, have you</p> <p>8 previously --</p> <p>9 MR. RODGERS: Just to be clear,</p> <p>10 this has to do with the documents we</p> <p>11 produced?</p> <p>12 MR. CHAPMAN: Yeah, mm-hmm.</p> <p>13 MR. RODGERS: Okay.</p> <p>14 Q. Have you previously seen this?</p> <p>15 A. I have.</p> <p>16 MR. RODGERS: I didn't hear</p> <p>17 that.</p> <p>18 THE WITNESS: I have.</p> <p>19 Q. Did you have any --</p> <p>20 MR. RODGERS: No, I didn't hear</p> <p>21 the question.</p> <p>22 MR. CHAPMAN: I said, have you</p> <p>23 previously seen this?</p> <p>24 MR. RODGERS: Okay.</p> <p>25 MR. CHAPMAN: That is before I</p>

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<p>1 just handed it to him, marked as</p> <p>2 Exhibit 21.</p> <p>3 MR. RODGERS: I understand</p> <p>4 that.</p> <p>5 MR. CHAPMAN: Okay.</p> <p>6 MR. RODGERS: I have some</p> <p>7 hearing loss --</p> <p>8 MR. CHAPMAN: Yeah.</p> <p>9 MR. RODGERS: -- in my ear from</p> <p>10 too much gun --</p> <p>11 MR. CHAPMAN: Yeah.</p> <p>12 MR. RODGERS: -- Navy gunfire,</p> <p>13 I should say.</p> <p>14 Q. Have you -- do you have any</p> <p>15 involvement in preparing it?</p> <p>16 A. Preparing this document?</p> <p>17 Q. Correct.</p> <p>18 A. I did not.</p> <p>19 Q. At the time you saw it, had it</p> <p>20 already been signed by Mr. Malik?</p> <p>21 A. Yes.</p> <p>22 Q. Did you participate in any way</p> <p>23 in the searches that are described in</p> <p>24 Mr. Malik's declaration?</p> <p>25 MR. RODGERS: And what do you</p>	<p>1 him to do?</p> <p>2 MR. CHAPMAN: My question is</p> <p>3 what he meant by providing access to</p> <p>4 his data or what he referred to as</p> <p>5 his data.</p> <p>6 MR. RODGERS: You can answer</p> <p>7 that.</p> <p>8 A. I mean, we have numerous cases</p> <p>9 ongoing. I've provided my cellphone. I</p> <p>10 don't know if that was something that</p> <p>11 was -- without reading through this thing</p> <p>12 entirely, I don't know if that's something</p> <p>13 that's been searched in conjunction with</p> <p>14 this case or if that other cases. We have</p> <p>15 three active lawsuits going on at the</p> <p>16 moment.</p> <p>17 Q. Okay. If you look at Page 4,</p> <p>18 it's titled, "Addendum A, e-mail ESI</p> <p>19 search."</p> <p>20 Do you see that?</p> <p>21 A. Yep.</p> <p>22 Q. So it describes custodians, and</p> <p>23 I don't see your name or your e-mail among</p> <p>24 them.</p> <p>25 A. Okay.</p>
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<p>1 mean participate? In what capacity?</p> <p>2 MR. CHAPMAN: In any capacity.</p> <p>3 I'm just -- that's my question.</p> <p>4 Q. Did you participate in any of</p> <p>5 the searches that are described --</p> <p>6 MR. RODGERS: Other than</p> <p>7 communication with his lawyers, us,</p> <p>8 me?</p> <p>9 MR. CHAPMAN: Well, if the</p> <p>10 witness doesn't understand the word</p> <p>11 search, we'll sort that out too.</p> <p>12 Q. But I'm just asking if you</p> <p>13 participated in any of the searches that</p> <p>14 are described in Mr. Malik's declaration,</p> <p>15 Exhibit 21.</p> <p>16 A. Beyond providing access to my</p> <p>17 data if requested, I don't recall having</p> <p>18 specifically participated in searching for</p> <p>19 any of this stuff.</p> <p>20 Q. And what do you mean by</p> <p>21 providing access to your data?</p> <p>22 MR. RODGERS: Just -- okay. Go</p> <p>23 ahead.</p> <p>24 You are talking to -- is your</p> <p>25 question about what his lawyers asked</p>	<p>1 Q. Right. So does that in any way</p> <p>2 inform you about?</p> <p>3 A. If that's the case then I did</p> <p>4 not participate in the search for this</p> <p>5 data.</p> <p>6 Q. Okay. If you -- again, on Page</p> <p>7 4 under custodians, the third bullet.</p> <p>8 MR. RODGERS: Just -- I'm</p> <p>9 sorry, Jim, but I think this</p> <p>10 affidavit or -- I'm sorry,</p> <p>11 declaration is for all our efforts</p> <p>12 and the addendum is just the e-mail</p> <p>13 ESI search.</p> <p>14 MR. CHAPMAN: Yeah. And that's</p> <p>15 what I'm asking about right now.</p> <p>16 MR. RODGERS: Just that did you</p> <p>17 understand that he was just asking</p> <p>18 about that?</p> <p>19 THE WITNESS: I understand that</p> <p>20 now.</p> <p>21 MR. CHAPMAN: Yep.</p> <p>22 MR. RODGERS: Now he</p> <p>23 understands that Jim.</p> <p>24 MR. CHAPMAN: Okay.</p> <p>25 Q. So my question is, the third</p>

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<p style="text-align: right;">Page 170</p> <p>1 bullet there on the custodian says, 2 "Cmiller@carvercompanies.com." It's got 3 this parenthetical, (Captain Chris Miller, 4 check. This is correct Carver e-mail.) 5 Do you know whether Captain 6 Miller, at least while he was alive, had an 7 e-mail address of 8 cmiller@carvercompanies.com? 9 A. I personally do not know if 10 that is his e-mail or if that e-mail ever 11 existed. 12 Q. Do you know of any, in the next 13 bullet it says, "Crew members with a Carver 14 e-mail address," but doesn't list anybody. 15 Do you know of any other crew 16 members that had Carver Company's e-mail 17 addresses on the Tug Mackenzie Rose? 18 A. I personally am not aware of 19 any. 20 MR. CHAPMAN: So I don't have 21 any further questions at this time. 22 And pass the witness to, you know, 23 others on the Zoom if they have any 24 questions or whether you need to do 25 any follow up.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Let's start with that answer 2 specifically. 3 MR. RODGERS: Just for the 4 record, Mark, is, when he states that 5 he is relying on the crew's testimony 6 to date, which you're aware of was 7 testified, but we also have Jason 8 McGrath tomorrow and potentially 9 Morrissey on next week, and Captain 10 Miller unfortunately passed away. 11 That's what he's referring to, 12 but he can still answer the question 13 if -- 14 MR. NANAVATI: Well, I mean, 15 now that you've answered it for him. 16 Q. Is Mr. Rodger's answer, your 17 answer? 18 MR. RODGERS: Is that -- 19 A. Yes. 20 MR. RODGERS: -- what I said, 21 correct? 22 A. Correct. 23 Q. Okay. And when you're saying 24 documents produced in response to that 25 question, which documents are you referring</p>
<p style="text-align: right;">Page 171</p> <p>1 MR. NANAVATI: I'm just -- this 2 is Mark Nanavati. Just a couple of 3 questions. 4 EXAMINATION 5 BY MR. NANAVATI: 6 Q. And if I missed this I 7 apologize and I am confident that Jim will 8 object. 9 But do you know whether or not 10 there was working radar on Mackenzie Rose 11 on the date of the allision? 12 MR. RODGERS: Objection. Asked 13 and answered, but you can answer. 14 A. I would rely on the testimony 15 of Brian, Lenny, the crew, the documents 16 we've provided. 17 And as we summarized in the 18 end, I have no reason to believe there 19 wasn't, but I don't know firsthand. 20 Q. Okay. And when you are saying 21 that you're relying on the testimony of 22 Brian, Lenny, the crew, what other crew are 23 you relying on? 24 A. For that answer specifically or 25 for all of the times I said that.</p>	<p style="text-align: right;">Page 173</p> <p>1 to? 2 A. I mean, there were thousands of 3 documents produced throughout the discovery 4 is my understanding. 5 I have reviewed many of them. 6 I can't speak to which ones specifically 7 would attest to the working condition of 8 the radar if any. 9 Q. So you're suggesting that we go 10 through the documents and pick ones out 11 that's responsive to the question and that 12 will be your answer? 13 MR. RODGERS: Objection to 14 form. Of course you just answered 15 your own question, yes. You should 16 do your homework. 17 Q. So you can't identify a single 18 document as you sit here today that would 19 answer the question regarding the status of 20 the radar on the date of the allision, can 21 you? 22 A. Not specifically, no. 23 Q. Okay. I don't have any further 24 questions for you, sir. I appreciate your 25 time.</p>

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<p>1 A. Thank you.</p> <p>2 MR. RODGERS: Anybody else?</p> <p>3 I need a few minutes with the</p> <p>4 witness and Mr. Malik and then we'll</p> <p>5 come back.</p> <p>6 But you're done for -- other</p> <p>7 than follow up to follow up.</p> <p>8 MR. CHAPMAN: Yeah.</p> <p>9 MR. RODGERS: Let's -- yeah.</p> <p>10 All right. It'll just be a couple</p> <p>11 minutes.</p> <p>12 THE VIDEOGRAPHER: Okay. We</p> <p>13 are going off the record. The time</p> <p>14 is 3:29 p.m.</p> <p>15 Off the record.</p> <p>16 (Whereupon, a discussion was</p> <p>17 held off the record.)</p> <p>18 THE VIDEOGRAPHER: Beginning</p> <p>19 Media Number 7. We are back on the</p> <p>20 record. The time is 3:20 -- 35 p.m.</p> <p>21 MR. RODGERS: Okay. We have no</p> <p>22 follow-up questions at this time.</p> <p>23 Thank you, Jim. Thank you,</p> <p>24 Mark.</p> <p>25 THE REPORTER: And --</p>	<p>1 (Thereupon, the examination</p> <p>2 was concluded at 3:36 P.M.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 MR. RODGERS: And thank you</p> <p>2 Madam Reporter and Madam</p> <p>3 Stenographer -- no, Madam</p> <p>4 Videographer.</p> <p>5 THE REPORTER: And would you</p> <p>6 like a copy of a rough and a copy of</p> <p>7 the transcript?</p> <p>8 MR. RODGERS: No, just the</p> <p>9 transcript.</p> <p>10 THE REPORTER: Okay.</p> <p>11 Mark, copy of the transcript?</p> <p>12 MR. NANAVATI: Yes, please.</p> <p>13 THE REPORTER: And would you</p> <p>14 like a rough draft as well?</p> <p>15 MR. NANAVATI: No, thank you.</p> <p>16 THE REPORTER: Okay, got it.</p> <p>17 Thank you so much.</p> <p>18 MR. RODGERS: Are we closed?</p> <p>19 MR. CHAPMAN: Till tomorrow.</p> <p>20 MR. RODGERS: Okay.</p> <p>21 THE VIDEOGRAPHER: Okay. This</p> <p>22 is the end of the video deposition of</p> <p>23 Nicholas Laraway.</p> <p>24 The time is 3:36 p.m. And we</p> <p>25 are off the record.</p>	<p>1 A C K N O W L E D G M E N T</p> <p>2</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5 :ss</p> <p>6 COUNTY OF)</p> <p>7 I, Nicholas Laraway, hereby certify</p> <p>8 that I have read the transcript of my</p> <p>9 testimony taken under oath on 06/17/2025;</p> <p>10 that the transcript is a true, complete and</p> <p>11 correct record of what was asked, answered</p> <p>12 and said during this proceeding, and that</p> <p>13 the answers on the record as given by me</p> <p>14 are true and correct.</p> <p>15</p> <p>16 _____</p> <p>17 Nicholas Laraway</p> <p>18</p> <p>19 Signed and subscribed to</p> <p>20 before me this ____ day</p> <p>21 of _____, 2025</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25</p>

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1 C E R T I F I C A T E
2 STATE OF NEW YORK)
3 :ss
4 COUNTY OF SUFFOLK)
5 I, LARIN KAYWOOD, a Notary Public
6 within and for the State of New York, do
7 hereby certify:
8 That the witness whose examination is
9 hereinbefore set forth was duly sworn and
10 that such an examination is a true record
11 of the testimony given by such a witness.
12 I further certify that I am not
13 related to any of these parties to this
14 action by blood or marriage, and that I am
15 not in any way interested in the outcome of
16 this matter.
17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 17th day of June, 2025.
19
20
21
22
23
24
25

Larin Kaywood

Larin Kaywood

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1 Errata Sheet
2
3 NAME OF CASE: IN THE MATTER OF COEYMANS MARINE TOWING
4 DATE OF DEPOSITION: 06/17/2025
5 NAME OF WITNESS: NICHOLAS LARAWAY
6 Reason Codes:
7 1. To clarify the record.
8 2. To conform to the facts.
9 3. To correct transcription errors.
10 Page _____ Line _____ Reason _____
11 From _____ to _____
12 Page _____ Line _____ Reason _____
13 From _____ to _____
14 Page _____ Line _____ Reason _____
15 From _____ to _____
16 Page _____ Line _____ Reason _____
17 From _____ to _____
18 Page _____ Line _____ Reason _____
19 From _____ to _____
20 Page _____ Line _____ Reason _____
21 From _____ to _____
22 Page _____ Line _____ Reason _____
23 From _____ to _____
24
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